ADMINISTRATIVE PROCEDURES, CODE

PROCEDURAT ADMINISTRATIVE, KOD

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Unofficial translation of the Law on the Code of Administrative Procedures of the Republic of Albania and the amending Decision of the Constitutional Court as follows:

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No. 44/2015

CODE OF ADMINISTRATIVE PROCEDURES OF THE REPUBLIC OF ALBANIA

Pursuant to articles 81, paragraph 2, and 83, paragraph 1, of the Constitution, by proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA,

DECIDED

PART I
GENERAL PROVISIONS

CHAPTER I
PURPOSE, SCOPE OF APPLICATION AND DEFINITIONS

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Article 1

Purpose of the law

The purpose of this Code is to ensure the effective realization of the public function to the service of the persons, and the protection of their legal rights and interests, in the realization of these functions, applying the principle of due process of law.

Article 2

Scope of application

1. This Code shall apply in cases where a public body, during the exercise of the administrative powers regulated by administrative law:

a) decides on the rights, duties and legal interest of persons, and in any other case, when the law explicitly provides for the issuance of an administrative act;

b) concludes an administrative contract or performs another administrative action, which concerns the rights, duties and legal interests of persons.

2. The provisions of this Code shall also apply in cases where:

a) public or private legal entities exercising self-regulatory functions in the area of regulated professions, established by law, or being conferred the right to exercise such functions, decide in line with letter “a)”, of paragraph 1 of this Article, as per the legislation in force;
b) private persons who are conferred the right to exercise public functions, duties, or competencies, decide in line with letter “a)” of paragraph 1 of this Article, as per the legislation in force;
c) public or private legal entities, which provide public services, decide on the rights and duties of the service users.

3. The principles stipulated in this Code shall apply as appropriate also to the normative sub-legal acts.

Article 3

Definitions

1. In this Code the following terms shall have the following meanings:

1. The "**administrative act**":

a) An "**individual administrative act**" is every expression of will by a public organ, in the exercise of its public function, towards one or more individually determined subjects of law, which establishes, modifies or terminates a specific legal relationship.

b) A "**collective administrative act**" is an expression of will by a public organ, in the exercise of its public function, addressed to a group of subjects, which members are or can be individually determined, on the basis of general characteristics, which establishes, modifies, or terminates a specific legal relationship.

c) An "**act of assurance"** is an individual administrative act, through which the public organ, if provided by a special law, may, preliminary assure that it will issue or refrain from issuing a certain administrative act at a later date.

2. A "**sub-legal administrative act**" is any expression of the will by a public organ, in the exercise of its public function, which regulates one or several legal relations, establishing general rules of behaviour, and which is not exhaustive in its application.

3. "**Discretion of the public organ**" is the right of the latter, to exercise public authority to achieve a lawful purpose, in cases where the law partially provides for the modalities to achieve this, giving discretion on choices to the public administration body.

4. An "**administrative contract**" is an agreement which establishes, modifies, or terminates a concrete relationship under public law, and in which, at least one of the contracting parties is a public body.

5. An **"administrative jurisdiction**" is the entirety of substantive and territorial jurisdictions of the public administration organ, as provided by law and sub-legal acts.

6. A “**public organ**” is any organ of central power, performing administrative functions, any organ of public entities, to the extent they performs administrative functions; any organ of the local government, performing administrative functions; any organ of the Armed Forces, to the extend they perform administrative functions, as well as any natural person or legal entity, which, by virtue of a law, bylaw, or any other form, is conferred the right to exercise public functions.

7. A “**party**” is:

a) any natural person or legal entity, who has a direct legitimate right or interest in an administrative procedure, as specified in Article 33 paragraph 1 if this Code; or

b) a party which does not have a direct legitimate right or interest in an administrative procedure as defined in Article 33, paragraph 2 and 3 of this Code, but whose legal rights and interest may be affected by the result of the procedure.

8. A **“person**” is any natural person, legal entity and any subject of law, according to the legislation in force.

9. An **“administrative procedure**” is the activity of a public organ, in order to prepare and adopt concrete administrative actions, their execution and review by legal administrative remedies.

10. “**Administrative action**” is the administrative act, the administrative contract, and any other administrative action.

11. “**Other administrative action**” is any unilateral form of activity of the public organ in the exercise of its public functions, which does not meet the criteria for qualifying as an administrative act or administrative contract, and which brings legal effects on subjective rights and legitimate interests.

12. An “**administrative activity**” is the set of acts and actions, which constitute and express the will of the public administration, and the execution of the will.

CHAPTER II

GENERAL PRINCIPLES

Article 4
Legality principle

1. Public bodies shall exercise their activity in line with the Constitution of the Republic of Albania, international agreements ratified, and applicable legislation in the Republic of Albania, within the boundaries of their competencies, and in conformity with the purpose why these competencies were granted to them.

2. The lawful rights or interests of one party may not be affected by the administrative action, unless provided by law, and in compliance with the due process of law.

Article 5
Transparency principle

The public bodies shall exercise the administrative activity in a transparent way and in close cooperation with natural persons and legal entities involved in it.

Article 6
Information principle

1. Every person is entitled to ask for public information, which is related to the activity of the public body, without being obliged to explain the motives, in line with the legislation in force governing the right to information.

2. In cases where the requested information is refused, the public organ shall issue a reasoned written decision, which shall contain also instruction on the exercise of the right to appeal, and shall be immediately notified to the parties in the process.

Article 7

Protection of state secret principle

Any public employee as well as any other person who takes part or is called to participate in an administrative procedure, shall be obliged no to disclose information made known to hem/her during an administrative procedure, if it constitutes “state secret”, as per the legislation in force.

Article 8

Protection of confidentiality principle

Participants in an administrative procedure shall have the right to ask for their personal and confidential data to be treated in accordance with the legislation in force.

Article 9

Data protection principle

1. The public organ during the lawful and fair processing of personal data, data related to commercial or professional activity, on which it becomes aware during the administrative procedure and which are protected under the legislation on personal data protection in force, shall have the duty to adopt measures on their protection, safeguard, non-disclosure and confidentiality.

2. The protection, safeguard, non- disclosure and confidentiality duties, shall extend also to public employees, during and after their stay in office.

Article 10

Principle of providing active help

1. The public body shall ensure that all parties and other persons involved in the procedure are able to follow and protect their lawful rights and interests in as much effective and simple way possible. He shall inform the parties on their rights and duties, including all the

information concerning the procedure and shall warn them on the legal effects for their actions and omissions.

2. The public organ shall promote the possibility of the party to access the public authority electronically. This possibility is not linked to any duty of the party to use electronic communication tools.

3. The pubic organ, conducting the administrative procedure, shall ensure that the ignorance of
the party does not lead to a deterioration of the protection of the rights and interests that the party has by law.

Article 10

Lawful exercise of discretion principle

1. Discretion shall be lawfully exercised when it is in line with the following conditions:

a) it has been provided by law;
b) it does not go beyond the limits of the law;
c) the selection of the public body was made only to achieve the objective for which the discretion was allowed, and is in line with the general principles of this Code; and
ç) the choice does not constitute an unjustified departure from previous decisions made by the same body in identical or similar cases.

Article 11

Proportionality principle

1. Any administrative action, which, for reasons of protection of the public interest or the rights of others, may restrict an individual right, or may affect his/her legitimate interest, shall be conducted in line with the proportionality principle.

2. An administrative action shall be in line with the principle of proportionality only when such action is:

a) necessary to attain the purpose set out in the law, and does so with means and measures that the least affect the rights or legitimate interests of the party;

b) suitable to achieve the purpose set out in the law; and
c) in right proportion to the need that has dictated it.

Article 13

Fairness and impartiality principle

1. In the exercise of its functions, the public organ shall fairly and impartially treat all subjects, with which, it enters into relationship.

Article 14

Objectivity principle

During the exercise of administrative activity, the public organs shall take into consideration and give the right weight to all conditions, data, and evidence related to the administrative procedure.

Article 15

Liability principle

Public organs and their employees, when carrying out an administrative procedure, shall be held responsible for the damage caused to private parties, in line with the relevant legislation.

Article 16

Decision-making principle

In line with the provisions of this Code, a public organ shall take decisions on all issues raised by one party, which are under its competence.

Article 17

Equality and non-discrimination principle

1. A public body shall exercise its activity in compliance with the principle of equality.

2. Parties, who are at the same objective situations, shall be treated equally. In specific cases, where a differentiated treatment is made, such treatment should only be justified by the objective characteristics related to the specific case.

3. The public organ shall, during the exercise of its activity, avoid any discrimination on grounds of gender, race, colour, ethnicity, citizenship, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social situation, pregnancy, parental belonging, parental responsibility, age, family or marriage situation, civil status, residence, health situation, genetic predispositions, disability, belonging to a special group or any other ground.

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Article 18

De-bureaucratization and efficiency principle

1. The administrative procedure shall not be subject to any specific form, unless otherwise provided by law.

2. The administrative proceeding shall be conducted as expeditiously as possible, and no later than the deadline provided for by law for it, with as less costs for the public organ and parties as possible, in order to achieve what is necessary for a lawful outcome.

Article 19

Principle of non-payment in the administrative procedures

1. The administrative procedure shall be free of charge, unless the law has provided otherwise.

2. The fee for the conduct of an administrative procedure cannot be greater than the average cost necessary for the conduct of the procedure, unless otherwise explicitly provided by law.

3. The public organ which conducts the procedure shall not seek any payment of fees, even in cases where it is provided by law, if the parties are unable to pay. The categories which are in conditions of inability shall be determined by Decision of the Council of Ministers.

Article 20

Language and translation in an administrative procedure

1. Unless otherwise provided by law, the administrative proceeding shall be conducted in Albanian language and script.

2. If the party is to submit a request within the deadline, and does so in a foreign language, the public organ shall notify the party on the duty to submit the request in the Albanian language and script. If for technical reasons, the party is not able to ensure the translation within the date of termination of the regular deadline for the submission of the request, the public organ shall define an appropriate additional deadline, within which a translation of the request and the necessary documents should be endured.

3. The deadline foreseen in paragraph 2 of this Article, its first sentence shall be deemed to be respected, only if the public organ receives the translation within the additional which is set and notified by the public organ.

4. If the applications, which define the starting point of a deadline, within which the public organ should act, are received in a foreign language, the deadline shall commence on the date when the public organ is provided with a translated version of them.

5. If the public organ fails to set and notify to the party an additional deadline for the translation and legal effects, according to the second sentence of paragraph of 2 of this Article, the application in a foreign language shall be deemed as submitted within the deadline.

Article 21

Control principle

The administrative activity shall be subjected to:

a) administrative control, in line with the provisions of this Code, on the legal remedies and legislation in force;
b)the court control, in line with the legislation in force; and/ or
c)any other control, foreseen in the legislation in force.

SECOND PART

JURISDICTION, COMPETENCE, DELEGATION AND SUBSTITUTION

CHAPTER I

JURISDICTION AND COMPETENCE

Article 22

Determining Jurisdiction and Competence

1. The scope of activity and set of competencies of public organs, governed by the legislation in force, shall constitute the administrative jurisdiction.

2. The competences of public organs shall be defined by the law, sub-legal act and the administrative actions issued based on them. Their exercise is obligatory.

3. The delegation or substitution of competence can be done only if:

a) it is explicitly provided by law;

b) the law has specified the substituting organ or official to which the delegation or substitution is made;

Article 23

Verification of competence

1. With the initiation of the administrative procedure, the public organ shall verify whether it has the substantive or territorial competence, to decide on the matter subject of consideration.

2. Any later legal or sub-legal change of competence shall have no effect, save for cases where the organ where the procedure has started, does not exists any more, or the new legislation has provided otherwise.

Article 24

Lack of competence

1. In cases where a public organ receives a request for a matter which it considers out of its competence, shall send the request immediately and at any case, no later than 2 days upon its receipt, to the competent public organ and notify the applicant for this.

2. The deadlines for the applicant shall be deemed respected if the request was submitted on

time to the non-competent organ, whereas the respective deadlines for the competent organ shall start to run from the date the request was received.

3. The parties may not determine or change the competence of the public organ by agreement.

Article 25
Prohibition to waive competence

1. Every administrative action, which aims at the waiver of the public organ from the right to exercise its legal competencies, shall be invalid.

2. The obligation to exercise the substantive and territorial competencies and the provision of paragraph 1 of this article, shall not exclude the right of the public organ to delegate its legal competencies in favour of other administrative organs, in accordance with the procedures provided for by this Code.

Article 26
Competence in urgent cases

If the public competent organ cannot act or act immediately for avoiding a serious and irreparable damage that might be caused to the public interests or rights or interests of third parties, the Prefect at local level, and the Prime Minister at central level, shall, either *ex officio* or based on a request, take urgent measures to avoid such damage. In such cases, the competent public organ shall be immediately informed on the measures taken.

Article 27
Dispute over competencies

1. Unless otherwise provided by law, the concurrence of competence between two or more public organs shall be resolved by written agreement between them.

2. In case they do not reach an agreement, the conflict shall be resolved by:

a) the Prime Minister in case of conflict among various ministries,

b) the minister or head of the central or superior institution, for subordinated institutions.

c) the Administrative Court, for all other cases where it is competent;

3. The resolution of the conflict may be requested by each of the organs involved, upon receiving notice on the conflict.

4. The conflict under letter a) and b) of paragraph 2 of this Article, shall be resolved within 10 (ten) days from the day of lodging of the request.

CHAPTER II

DELEGATION AND SUBSTITUTION OF COMPETENCIES

Article 28
Delegation of competencies

1. The competent public organs may delegate their legal competencies to another public organ.

2. The competent public organs may delegate their competencies conferred by law or sub-legal acts to their subordinated organs.

3. The collegial bodies of the public administration may not delegate their competencies to the favour of their heads.

4. The delegated organ shall be prohibited to sub-delegate the competences, obtained through delegation, to a third organ.

5. Any decision of the delegating organ, which aims at authorizing the delegated organ to sub-
delegate the sub-delegated competences, shall be invalid.

Article 29

Delegation procedure

1. When it is permitted by law, the delegation of competencies shall be made at any case by decision of the delegating organ to the organs under its subordination, and by decision or agreement, in those cases where the delegated organ is not subordinated to the delegating organ.

3. The act of delegation shall define:

a) the delegated competences;
b) the financing of the delegated tasks;
c) the institution assigned with the supervision, as well as the object and supervisory instruments;
ç) the criteria of termination and mechanisms for the performance of delegated tasks in case of termination of delegation;
d) the starting date of exercising the delegated competencies.

4. The delegation of competencies shall be published in the Official Journal or in the bulletin of public notifications. In the case of local government organs, the delegation shall be published in the journal of the local government unit or official bulletins of the local government units acts, and if there isn't any, the respective notification shall be displayed in public places.

THIRD PART

ENSURING IMPARTIALITY OF THE PUBLIC ADMINISTRATION

Article 30

Legal impediments

1. The public official or the member of a collegial organ shall not be involved in a decision-making administrative procedure in the following cases:

a) he/she has a direct or indirect personal interest in the decision-making at hand;

b) his/her spouse, cohabitant or relatives up to the second degree, have a direct or indirect interest in the decision –making at hand;

c) the public official or the member of the collegial organ or even the persons referred to in sub-paragraph “b)” of this article, have a direct or indirect interest in a case objectively the same and under the same legal circumstances as the issue at hand;

ç) the public official or the member of a collegial body has participated as expert, adviser, private representative or advocate in the case at hand;

d) persons referred to in letter “b)” of this article, have participated as experts, representatives, advisors or advocates in the case at hand;

dh) against the public official or persons referred to in sub-paragraph “b”) of this article, a judicial process has been initiated by the parties in the administrative proceeding at hand;

e) the case in question is an appeal against a decision taken by the public official or by persons referred to in sub-paragraph “b)” of this article;

ë) the public official or the member of a collegial organ, or persons referred to in sub-paragraph “b)” of this article are debtors or creditors of parties interested in the administrative proceeding at hand;

f) the public official or the member of the collegial body or persons referred to in sub-paragraph “b” of this Article, have received gifts from the parties before or after the start of the administrative procedure at hand.

g) the public official or the member of the collegial body or persons referred to in sub-

paragraph “b)” of this article, have such relationships, which are evaluated based on the concrete circumstances, that they would constitute a serious ground for bias vis-a-vis the parties interested in the administrative proceeding at hand;

gj) the public official or member of a collegial body or persons referred to in sub-paragraph “b)” of this article, have been involved in any way in the following:

i. possible negotiations for future employment by the side of the official or persons referred to in sub-paragraph “b)” of this Article, while exercising the function, or negotiations for any other form of relation of private interest, after leaving the service, conducted by him during the exercise of the duty;

ii. engagement in private profit activities for profit purposes, or any type of activity that generates income, as well as engagement in profit and non-profit organizations, trade unions or professional, political, government organizations, or any other organization.

h) In any case when it is provided by the legislation in force.

Article 31

Self-declaration of legal impediments and request for expulsion

1. If the public official or the member of the collegial organ of the public body identifies one of the impediments provided for in Article 30 of this Code, he/she shall immediately notify in witting his/her superior.

2. Any other official, who is aware on the cases of conflict of interest, in accordance with Article 30 of this Code, shall notify in accordance with paragraph 1 of this Article.

3. A party may ask for the expulsion from participation in a administrative procedure of an official or of a member of a collegial body, up to the point when a decision is taken, putting forward the reasons why such expulsion from decision-making is requested. Such request shall be made in writing, and be addressed to the superior and contain all possible evidence where it is based.

4. At any case, until the superior takes a final decision, the official shall be suspended from the decision –making process.

Article 32

Decision-making and effects of expulsion

1. The superior or the collegial organ, notified as per Article 31 of this Code, shall decide on whether to exclude or retain the official, within 5 (five) days from receiving the notification or the request of the parties.

2. If the superior decides for the exclusion of the official, the exclusion decision shall also designate the substitute official. If the collegial organ excludes a member and the law does not provide for the substitute members, the administrative procedure shall continue without the substitution of the expulsed member.

3. If due to the law, or the specific situation, it is ascertained that the substitution of an official with another one is not feasible, the decision- making by the public official shall be allowed.

4. In cases of expulsion and non-feasibility of substitution, the organ shall operate as such without the participation of the expulsed member.

FOURTH PART

ADMINISTRATIVE PROCEDURE

CHAPTER I

PARTICIPATION IN THE ADMINISTRATIVE PROCEDURE

Article 33

Party to the administrative procedure

1. A party to the administrative procedure, save for what is provided in Article 3 of this Code, shall be any person:

a) upon whose request the administrative procedure has been initiated;
b) against whom an administrative procedure has started, or to whom the decision of the administrative procedure is addressed or intended to be addressed; or
c) with whom the public organ intends to conclude or has already concluded an administrative contract.

2. A party to the administrative procedure are also the holders of public interests authorized by law, as well as holders of collective interests or of broad interests of the public, in case these interests might be affected by the outcome of the administrative procedure.

3. The public organ conducting the administrative procedure, shall either *ex officio* or upon request, include as a party to the administrative procedure, any other person defined or easily definable, other than those provided for by paragraph 1 and 2 of this article, whose lawful rights or interests might be affected by the outcome of the administrative procedure.

Article 34

Capacity to act in the administrative procedure

1. A public organ, party to an administrative procedure, shall act through the legal representative defined according to the law, or to the head of the institution if he has no legal representative appointed.

2. The capacity to act the other persons in an administrative procedure shall be regulated according to the legislation in force.

Article 35

Party representation

1. The party may perform all procedural actions personally, or through a representative, in accordance with the provisions of this Code.

2. In case where the party acts through representation, the public organ shall perform procedural actions with the representative.

3. The public organ may request the conduct of one or more procedural actions directly by the party, if this is explicitly provided in the law. In this case, the public body shall notify the representative too.

Article 36

Representative appointed by the authority

1. The public organ, conducting the proceeding, shall suspend the proceeding and ask the

competent authority according to the law, to appoint a legal representative or as appropriate substitute him/ her, when it ascertains that the party with no or limited capacity to act has not been appointed yet any legal representative, or has conflict of interests with the represented party.

2. In the case provided in paragraph 1 of this Article, if it is urgent and the interest of the party so requires, the public organ shall appoint a temporary representative to perform a specific procedural action, or till the appointment or substitution of a legal representative.

3. The public body conducting the administrative proceeding may appoint a representative according to the provisions of paragraph 2 of this Article in the following instances:

a) the identity of a party is unknown;
b) although the identity of the party is known, its notification is not possible;
c) the party is objectively unable to look after its interests and has failed to choose a representative;
ç) the party has no residence in Albania and has failed to choose a representative within the time limit set by the public organ.

4. The public body shall immediately notify the party regarding the appointment of the representative. In the cases provided for in letters ”a” and ”b” of paragraph 3 of this article, the public body shall notify the appointment of the representative through a public announcement according to the provisions of this Code.

5. The representative appointed *ex-officio,* as per paragraph 2 and 3 of this article, shall participate and represent the party in the entire administrative proceeding, or only in the procedural action for which it has been appointed, until appearance of the party or of the representative appointed by the party.

Article 37

Joint representative

1. Unless otherwise provided by law, two or more parties may jointly participate in the same administrative proceeding. In such a case, the parties may choose one of them to be their joint representative, or may choose another joint representative, as per the provisions of Article 38 of this Code.

2. Even when they choose one of them as a joint representative, each of the parties may personally participate in the administrative procedure, may submit statements and exercise the appeal remedies independently.

Article 38

Appointed representative

1. The party may appoint one representative, to perform some or all procedural actions, in the administrative procedure, except where it is required that the party, personally, gives a statement or performs another procedural action.

2. The appointment of the representative according to paragraph 1 of this Article, shall be done in writing, and be verbally declared before the public organ and registered by the latter, or in any other appropriate form.

3. The appointment of the representative shall be valid if it is done in the form specified in paragraph 1 and 2 of this Article. This form shall be applied also in case of appointing a joint representative for the parties, accordingly to the provision of Article 37 of this Code.

4. The party, when it deems necessary, may personally perform procedural actions or give statements, although it has appointed a representative. The party which is present when the representative gives a verbal statement may, immediately, modify or revoke that statement.

Article 39

Assistant

1. A party may appear in the public organ in a hearing session, accompanied by an assistant, who assists him/her in specific matters, necessary for the administrative proceeding.

2. Any statement of the assistant shall be deemed as made by the party, when this is expressively requested by him/her. At any case, the party may object the statement of the assistant on the spot.

Article 40

Capacity for being representative or assistant

1. Every person who enjoys full legal capacity to act, under the Civil Code, may act as representative or assistant, save for cases the law has provided otherwise.

CHAPTER II

GENERAL PROVISIONS ON THE ADMINISTRATIVE PROCEEDING

Article 41

Initiation of the administrative procedure

1. An administrative procedure may be instituted either *ex-officio* or based on a request.

2. The *ex-officio* institution of a proceeding is at the discretion of the public body. The public body shall be obliged to *ex-officio* initiate an administrative procedure in cases where:

a) the laws or a sub-legal acts has provided for the initiation of the proceeding,
b) the factual situation is such that requires the public body to initiate the administrative proceeding for the protection of public interest.

3. The administrative proceeding shall be deemed instituted:

a) with the performance of any procedural action by the public body in case of an *ex-officio* instituted proceeding, or

b) with the submission of a request before the public body, in case of a procedure instituted upon request.

Article 42

Communication with parties

1. In cases when the administrative procedure is initiated by the public body, the latter shall notify all parties to the process on the initiation of the actions.

2. The notification under paragraph 1 of this Article shall be made in writing or by a meeting with the party and shall contain the following data:

a) e-mail and postal addresses of the public organ, conducting the procedure and the official responsible for it;
b) information regarding the competence of the public body, the purpose of the procedure and the matters on which decisions will be taken;
c) parties to the administrative proceeding;
ç) information on the right to insect the file and office or place where the file can be inspected;
d) information on the right of the party to be heard, manners and time limit for the exercise of such right;
dh) the date of starting the procedure and the time limit within which the final decision will be taken and notified, in case such a time limit is applied;

3. In cases where the notification is made through a meeting, the public body shall keep minutes for recording the action performed.

4. The public body shall have no obligation to communicate with the parties in cases where the case is a state secret, according to the classifications made by law or, when in conditions of state of emergency, the communication may affect the effectiveness of the administrative procedure.

Article 43

Responsible unit and responsible official

1. In an administrative procedure, instituted according to the provisions of Article 41 of this Code, the public organ shall act through the responsible official designated in accordance with the rules of this article.

2. Unless otherwise provided by law or sub-legal act, the head of the public organ shall preliminary designate a responsible unit for each type of administrative procedure under the competence of the organ, in accordance with the internal rules on its activity. This decision shall be made public by any suitable means.

3. The head of the responsible unit, shall assume himself/herself or assign by a written act the responsible official for the conduct of the administrative procedure. The responsible official shall conduct the administrative procedure, and at the end propose in writing a final decision, while the decision is adopted and signed by the person assigned by law or sub-legal acts. If the decision is different from the proposed one, it should be accompanied with the respective reasoning.

4. In cases provided by the law, the responsible official, after conducting the administrative procedure decides on the matter by a final decision and signs it, save for cases where the law has provided otherwise.

5. The collegial body may assign one of its members to perform the administrative procedural actions. In such a case, the assigned member shall inform on the results of the administrative procedure the collegial body, which shall take a decision on the case.

Article 44

Institution of the administrative proceeding upon request

1. In cases where the administrative procedure is initiated by request of the party, the public body should take the necessary measures for the best possible preparation of the case.

2. The public body shall preliminary examine the request as regards the meeting of the formal-legal criteria, such as the competence of the public organ, *locus standi,* time limit, form and any other criteria provided for in the law, and shall at the end:

a) notify in writing the requesting party that the request on the conduct of the procedure was accepted;

b) notify the requesting party in writing for the correction of faults with regard to the meeting of the legal- formal criteria, by setting a reasonable deadline for that. In such a case the public organ shall actively assist the party for the fulfilment the identified faults. Failure to fulfil the faults within the set deadline shall constitute a ground for rejection of the request. Against this decision, the party may appeal according to the procedure provide for in this Code.

c) Notify the requesting party that further administrative actions are necessary before it decides on the acceptance or rejection or the request. In such a case the body shall set a reasonable deadline for the performance of further actions.

CHAPTER III

RIGHTS OF PARTIES DURING AN ADMINISTRATIVE PROCEDURE

Article 45

Right of the parties to inspect the file

1. All parties to an administrative procedure shall have the right to inspect the documents of the file of such procedure, and get a copy of them.

2. The public organ involved in an administrative procedure shall, within 5 (five) days from the submission of the request, ensure in its working premises conditions for storage of data, and conditions for inspecting and obtaining copies of the documents, as per paragraph 1 of this article. In special cases, when it is more appropriate for the applicant, the inspection of the file may also be made in premises of another public organ or the consular and diplomatic missions of the Republic of Albania abroad.

3. Documents containing personal, trade or professional data, can be obtained or used by the third parties only upon the consent of the individual, whom such data belong to. The consent shall not be required if the documents will be used for the purposes provide in the law, or sub-legal acts.

4. In cases where the documentation is administered electronically, the public organ shall ensure
the party the necessary technical means, to inspect it. The public organ can make the electronic documents accessible via internet, if that does not affect the security of the data protected under the law.

5. The issuance of copies is done against payment of a fee which is determined by decision of the public organ, and at any case shall not exceed the cost of their reproduction.

Article 46

Limitation of the parties' right to inspect the file

1. The right of the parties according to Article 45 of this Code shall be limited only in the cases and to the extent provided for by legislation in force.

Article 47

Right to submit opinions and explanations

1. All parties, at any stage of the procedure, shall be entitled to submit opinions, explanations on facts, circumstances or legal issues, as well as submit evidence or present proposals on the resolution of the case.

Article 48

Evaluation duty

1. The public organ shall, at any case, be obliged to assess in written form the relevant comments, opinions and explanations of the parties presented as provided by article 47 of this Code.

CHAPTER IV

DOCUMENT UNIFICATION AND SIGNATURE CERTIFICATION

Article 49

Unification of the own acts

1. Every public organ, upon request, may issue copies or parts unified with the original of the acts issued by itself, or other documents under its administration.

2. The unification with the original shall not be made if, under the circumstances, it results that the original contains differences, discrepancies, deletions, illegible words, figures or signs, traces of the their erasure, or where the continuity of a document composed of several sheets has been interrupted.

3. At an exceptional base, in the cases provided by paragraph 2 of this article, when that original is the only existent exemplar of the document, the unification of it can be made by making a relevant note on the respective deficiencies.

4. The unification with the original shall be made through a unification note placed at the end of the copy. This note must contain:

a) an exact description of the document of which is being unified;
b) a statement that the copy is identical with the original document or it is an extract of such document;
c) the place and date of unification;
ç) the public organ making the unification and its official stamp.
d) the name and the signature of the official responsible for the unification;

5. The deadline to issue the unified copy is 10 (ten) days from the day the request is submitted.

6. In the event of failure to fulfil the request or of rejection by the public organ, the applicant shall have the right to appeal against the failure to issue a unified copy according to this Code.

7. Provisions of this article shall be applied as appropriate for the unification with the original of other documents stored in the form of pictures, video recording, or recorded with any other technical means.

Article 50

Unification in connection with electronic documents

The certification of paper copies of an electronic document regarding an electronic signature, of the copies of an electronic document produced to reproduce an written document, as well as the certification of the copies of an electronic document in another technical format different from the original document related to an electronic signature, and any other certification related to documents in electronic form, shall be regulated by special law.

Article 51

Unification of documents issued by other public organ

1. A public organ may unify copies or extracts of documents, issued by another public organ, if the copy or extract of the document is necessary for the conduct of the procedure before the organ which is making the unification, and provided that the interested party presents the original document issued by the other organ.

2. The rules on unification provided by article 49 of this Code, shall apply accordingly in cases provided in paragraph 1 of this Article. The unification note shall contain the identification data of the person that has presented the original document.

3. The public organ shall record any unification performed and keep unified copy of the act.

Article 52

Certification of signatures

1. Any public body authorized by decision the Council of Ministers, shall certify signatures, where the signed document is required for submission to another public authority or organ, where the signed document must be submitted.

2. The signature certification shall be made only when the signature was made or acknowledged in the presence of the official of the public organ assigned for this purpose.

3. The certification note shall be placed immediately adjacent to the signature which is being certified and must contain:

a) a statement that the signature is genuine;

b) the exact identity of the person whose signature is being certified, and also a note as to whether the employee responsible for certification is convinced on the identity of the person and whether the signature was made or acknowledged in his presence;

c) the statement that the certification is only made for submission to another public authority or organ, with the name of such an authority or organ;

ç) the place and date of certification, and the signature of the official responsible for the certification and the official stamp.

4. Paragraphs 1 to 3 of this article shall apply to the extent possible also regarding the certification of other personal identification signs.

CHAPTER IV

TIME LIMITS

SECTION 1

TIME LIMITS FOR PROCEDURAL ACTIONS FOR THE PARTIES, EXTENSION AND REINSTATEMENT

Article 53
Determination and extension of procedural time limits

1. Time limits for the parties to perform a procedural action, hereinafter referred to as “procedural time limits” shall be set out by law or sub-legal acts;

2. Unless otherwise provided by this Code, if the laws or sub-legal acts do not provide for a specific time limit for conducting a procedural action, the public organ conducting the

procedure, shall, by means of a special decision, set a reasonable time limit, according to the specific case and in line with the principle of lawful exercise of discretion.

3. The procedural time limit specified by law or sub-legal acts may be extended only if this is explicitly provided in the law or sub-legal acts, whereas the time-limit set by the public body may be extended upon justified request of the interested party submitted prior to expiry of the time limit.

Article 54

Reinstatement of time limits

1. Except when explicitly excluded by law, a party may ask for the reinstatement of the time limit, if, for reasonable reasons it has been prevented to comply with the procedural time limits, except where the time limits have a preclusive charact**e**r.

2. A reinstatement of the time limits may be request:

a) For the time limits set for the submission of the initial request,
b) in connection to the time limits for the performance of activities during the administrative proceeding,
c)regarding the time limits for lodging appealing remedies; or ç)
any other time limit which is to the detriment of the party.

3. A request for reinstatement of the time limit shall be made within 15 (fifteen) days from the day when the obstacles are eliminated, but not later than 1 (one) year from the date of the expiry of the lost time limit. The procedural action regarding which the party has lost the time limit for reasonable causes should be performed within the same time limits.

4. The 1 year deadline provided by paragraph 3 of this article shall not be applicable in case of *force majeure.*

Article 55

Decision and effects of the reinstatement of time limit

1. The request for reinstatement of the time limit shall be presented to and examined by the competent public organ conducting the administrative proceeding, or the competent organ deciding on the legal remedies, or the body that continues with the execution in accordance with the case. The body to which a request for reinstatement of the time limit is presented, shall decide within 15 (fifteen) days.

2. The filing of the request shall cause the suspension of all procedural actions performed as a result of missing the time limit.

3. The decision of the public organ to reject the request for reinstatement of the time limit can be appealed against according to the rules contemplated in this Code and legislation in force.

4. The acceptance of the request for reinstatement of the time limit shall bring the annulment of all procedural actions, performed as a result of missing the time limit.

SECTION II

CALCULATION OF THE TIME LIMITS

Article 56

Calculation of the time limits

1. Except when otherwise provided by law, time limits shall be determined in days, months or years. The expiry of a time limit may be also marked as a specified calendar date.

2. When the time limit is defined in days, the day when the event has occurred, and from which the time limit starts to run, shall be excluded from the calculation of the time limit.

3. A deadline which is set in months or years shall expire upon expiry of that last day, month, or year, which number corresponds to the day when the event, from which the time limit has started to run, has occurred. When such a day is missing in the last month, the deadline shall expire with the expiry of the last day of this month.

4. Saturdays, Sundays and public holidays shall not impede the starting and duration of the time limits. If the last day of the time limit is a Saturday, Sunday, or a public holiday, the time limit shall expire on the next working day.

Article 57

Assumptions for calculations of the time limits

1. The day of submission of the request, for the purpose of the calculation of the procedural deadlines that run against the party, shall be deemed the day of:

a) the submission of the request at the post office, when the request is delivered by certified mail;

b) the submission of the request in the post office of the public organ;

c) the submission of the request to the branches of the institution, in the prefecture or diplomatic missions or consular offices;

ç) the presentation to the command or detention institution.

d) registration by the respective device for receiving messages if the electronic document is sent electronically, or the written request is sent by fax. Such communication shall not cause the missing of the time limits. If the sent document is not readable, the public organ shall inform the sender without delay by asking him/her to resend it in another suitable way.

2. The day provided for by paragraph 1 of this article, shall be deemed also as the day when the event has occurred, for the purpose of calculating the time limits, which run against the public body.

CHAPTER VI

REQUEST AND ITS SUBMISSION

Article 58
Form and content of the request

1. Except in cases when the law requests a specific form, any request, by which parties address the public organ in an administrative procedure, may be:

a) in writing;

b) declared verbally in front of the public organ and is registered by the latter;

c) in any other appropriate form.

2. The request should be sufficiently clear in defining the applicant and its purpose, unless the law has provided for a specific content of it.

3. The request shall be considered as submitted in written form even when it is submitted by fax or electronically, provided that it clearly indicates its author. The law may require that the request has a handwritten signature.

Article 59

Submission of the request

1. The request shall be submitted directly to the competent public organ, or to any of its offices or branches. A request addressed to a central public organ may be submitted also any prefecture, in which territory the party has the residence, if the central public organ has no office or branch in that territory.

2. The request may be submitted also to diplomatic missions, consular offices of the Republic of Albania, in the country where the party is staying or residing.

3. The offices, branches, the prefecture, or diplomatic missions or consular offices shall without delay, and at any case within 48 hours from its submission, forward the request to the competent public organ and inform the applicant.

4. Persons serving in the Armed Forces may submit their request to the corresponding command where they perform their service, whereas the detained or imprisoned persons may submit their request to the institution where they are detained or serving their imprisonment sentence.

5. In accordance with paragraph 1-4 of this article, the request, may be submitted directly to the public organ within the office hours. The public body may determine specific hours during office hours in which oral requests may be submitted. The specific hours rule does not apply, in case the submission of the request is related to any time limit running against the applicant.

6. The written request may be submitted also by certified mail, electronic means or fax, directly to the respective official address of the competent organ to which it is addressed or to the mailbox of the public organ. Urgent requests may be made also via phone, if this is possible according to the nature of the request.

7. The Council of Ministers shall define by a decision the public organs and administrative proceedings where requests may be presented by electronic means, along with the relevant technical requirements. The technical requirements must be non-discriminatory and refer to products and technologies which are generally available and interoperable with the products of communication and information technology for general use. Each public organ shall publish the relevant technical requirements on its website.

Article 60

Registration and certification of the submission of requests

1. The receipt of the request shall be registered by the public body where it is submitted, according to the chronological order of submission in a special register. The register of requests for the initiation of an administrative proceeding shall contain the following information:

a) The number of the request;
b) Date of submission;
c) The object of the request;
ç) The number and title of documents attached to the request, and
d) identity and address of the applicant.

2. If two or more requests arrive with the same postal delivery to the public body, they shall be considered to be submitted to this body at the same time.

3. At any case, the person submitting the request shall be issued a certification, which confirms the fact of acceptance of the request, its object, date and list of attached documents, if any. The lodging via certified mail shall be proven by the post document that shall contain the same data.

4. With the request of the submitter, in the cases of submission of the request by electronic means or fax, the certification, as provided for by paragraph 3 of this article, shall be sent, without delay, to the same address with the same means the delivery was made.

Article 61

Other submissions

1. The rules contemplated in this Code on the submission of the request shall also be applied regarding the submission of opinions, explanations, comments, statements and submission of other documents in the framework of an administrative procedure.

Article 62

Inaccuracies in the request of the interested party to initiate the administrative proceeding

1. In the event the request of the interested party for the initiation of an administrative proceeding has not been submitted according to the requirements of article 58 and 59 of this Code, the applicant is requested in written form to correct the existing inaccuracy.

2. Save for cases where special laws have provided otherwise, the administrative organ shall address the applicant for the correction of inaccuracies within 7 days from the day of registration of the request, and set a deadline to the applicant to fulfil the inaccuracies.

3. Notwithstanding the provisos of paragraph 1 and 2 of this Article, and to the extent it is possible, the public body shall correct the inaccuracy of the request by itself, by not damaging the legal interests of the interested parties.

4. If the applicant corrects the inaccuracies within the time specified, it is considered registered from the day that is registered in the public body.

5. If the applicant does not correct the inaccuracies within and the time specified, and such inaccuracies cannot be corrected by the public body, under paragraph 3 of this Article, the request shall not be considered registered and shall be returned back to the applicant along with the other acts.

Article 63

Verbal request for the initiation of the administrative proceeding

1. If a verbal request is presented, the official shall register the following data:

a) The number of the request;

b) The date of statement;

c) Object of the verbal request;

d) Name and title of the documents attached to the request, if any; and

e) The identity and address of the applicant.

Article 64

Right to complete, amend, and withdraw the request

1. A party that has submitted a request may complete or amend it, only when the purpose of the amended request is based on the same factual situation as the initial request.

2. The party may entirely or partly, with a written request, withdraw from the administrative procedure and renounce his legal rights and interests, except when prohibited by the law. The amendment or withdrawal of the request may be done at any time, as long as the public organ has not taken a final decision. After the withdrawal of the party, the public organ shall decide for the termination of the administrative procedure. In such a case the public body shall notify the other parties, if any.

3. The decision of the public body to terminate the administrative proceeding, following the withdrawal of one of the parties may be appealed by any other party.

4. The withdrawal of one party shall not lead to the end of the administrative procedure, if the public body considers that the continuity of the procedure is to the public interest or the legal interest of the other parties.

Article 65

Preliminary verification before the initiation of the administrative procedure

1. In the beginning of the administrative procedure, the public body shall make the following verifications:

a) whether the rights or interests required by the parties are subject to any time limitation;

b) the legitimacy of the party that has submitted a request for the initiation of the administrative proceeding;

c) whether the deadline provided by law for the submission of the request has been complied with;

d) whether the request of a party for the initiation of an administrative proceeding may be examined together with the requests of other parties if based on the same facts and legal basis.

CHAPTER VII

PRELIMINARY ISSUES AND INTERIM DECISIONS

Article 66

Preliminary issues

1. If the public organ conducting the procedure comes across an issue, the resolution of which is a precondition for the resolution of the procedure and constitutes an independent legal issue for which resolution a court or another organ is competent (“preliminary issue”), the public organ conducting the administrative procedure shall stay the proceeding till a final decision is taken on the preliminary issue and notify the party thereof.

2. If the review of the preliminary issue may be started only upon request of a party, the competent organ for the conducting the procedure, shall stay the procedure, by simultaneously informing the party on its right to submit a request on the concrete case.

3. If the resolution of the preliminary issue requires the *ex officio* initiative of another public organ, the competent organ for conducting the procedure, shall request the initiation of the proceeding by the other body.

Article 67

Interim decisions

1. The public body that is competent to make the final decision may also issue interim decisions, when it is deemed that the failure to take certain measure would cause serious and irreparable damage to public interests or to the rights or legal interests of the parties.

2. The interim decisions may be taken by the public body either *ex officio* or at the request of the interested parties.

3. The decision to adopt interim measures should be reasoned, with a specified time limit, and notified to the parties.

Article 68

End of interim decisions

1. The interim decisions shall automatically end in the following cases:

a) the administrative procedure has ended or the time limit within which a final decision should have been taken has expired;

b) when the time limit set in the interim decision has expired;

c) in other cases explicitly provided by the law;

2. The public organ shall abrogate the interim decisions, if during the procedure the ground provided in paragraph 1 of article 67 of this Code disappears.

Article 69

Reconciliation of parties

1. During the entire conduct of an administrative procedure with opposing parties the responsible official of the public organ shall try to reconcile the parties in the procedure, if allowed by the nature of the case.

2. The reconciliation act of two or more parties in an administrative proceeding shall be in written form, which after being read and signed by the parties becomes fully powerful.A copy of this act shall be provided to the parties in the procedure.

3. The reconciliation act between two or more parties in an administrative proceeding shall have the same effect with that of the administrative act.

4. The competent public organ shall not accept the reconciliation between the parties in the procedure, if the reconciliation is to the detriment of the public interests or lawful interests of other natural persons or legal entities.

CHAPTER VIII

JOINT DECISION- MAKING AND ASSISTANCE AMONG PUBLIC ORGANS

Article 70
Joint decision –making of public bodies

1. When under the law, two or more public organs decide on one administrative case, in the context of one single administrative procedure, they shall, in agreement, determine the organ that will issue the joint administrative act, which shall comprise also the decision of the other body.

2. Notwithstanding the provisions of paragraph 1 of this article, each of the involved organ shall take a decision in accordance with the pertinent competence.

3. If under the law, the decision–making of a public organ is based on a prior consent, confirmation, approval or opinion of another public organ, the latter shall decide and notify the public organ, within 30 (thirty) days from the submission of the request, save for cases where the law has specified a different deadline.

4. If the public organ, whose consent, confirmation, approval, or opinion is obligatory for the adoption of the act, fails to respond within the deadline specified in paragraph 3 of this Article, its opinion shall be deemed positive.

5. Save when otherwise provided by law, disputes related to the paragraph 1 of this article, shall be resolved in accordance with article 27 of this Code.

Article 71
Administrative assistance

1. A public organ may seek the administrative assistance of another public organ, for the performance of one or more actions, necessary in the context of an administrative procedure.

2. The administrative assistance may be requested if:

a) for lawful reasons, the requesting organ is not able to performed such actions by itself;

b) the performance of the actions by the requesting organ is not effective or the cost for their performance is much higher than the other body;

c) it is necessary to inspect documents, facts or other means of evidence in the possession of the other organ;

3. Unless otherwise provided by law, the public organ may choose the organ it asks assistance from, by making a cost- effectiveness evaluation.

Article 72

Refusal of a request for administrative assistance

1. The organ, from which provision of administrative assistance is requested, may not refuse to render it, saves for cases of objective inability to perform the requested actions. In such a case, the requesting body shall be notified immediately, and at any case, no later than 2 days from the receipt of the request for administrative assistance.

2. Dispute between the two organs, shall be resolved by the superior organ of the one to whom the assistance is requested. In case this body does not exist, the action shall be performed by the organ seeking administrative assistance.

Article 73

Procedure of administrative

1. The organ which the administrative assistance is requested from shall be subject to procedures and obligations provided in the law on the organ seeking the administrative assistance, and shall perform the requested actions as soon as possible.

2. The requesting organ, in its request for assistance, shall inform the other body on the procedures and obligations foreseen in paragraph 1 of this article.

CHAPTER IX

ONE STOP SHOP SERVICE POINTS

Article 74

One stop shop service points

1. Regarding all the services for which according to a special law a one- stop- shop- service point has been provided for, the provisions of this Code shall apply. In such cases, all administrative procedures shall be performed through the one- stop- shop- service point.

Article 75

Responsibilities of one stop shop service points

1. One stop- shop- service points shall be responsible for:

a. Advising the interested persons in the same way as the competent public organ;

b. Receiving requests for the issuance of an administrative act or the performance of another administrative act, as well as submission of opinions, explanations, proposals, comments, documents or administrative legal remedies, in accordance with this Code, and forwarding them to the competent public organ accordingly;

c. Notification of the applicant on any administrative acts and procedural actions of the competent public organ as well as on any communication between the interested party and the competent public organ concerning the specific activity.

2. Unless otherwise provided by the law, the existence of one –stop- shop- service points, shall not affect the competence of each public organ involved in the administrative procedure, and the right of the interested persons to address the competent organ directly.

3. Unless otherwise provided by the law, the- one- stop- shop service point shall be the public organ competent for the most important administrative act related to the initiation and exercise of the activity by the public organs involved. Dispute between public organs involved in the activities performed in the one stop- shop- service points, shall be resolved in accordance with Article 27 of this Code.

Article 76

Information and procedure

1. Once stop shop service points shall inform or provide to the interested persons all the information needed for the administrative proceeding. The information shall include also data on the means and conditions for accessing to public registers and state databases and remedies in case of a dispute. The services specified in paragraphs 1 of Article 76 of this Code, and in this paragraph shall be performed directly at the one- stop- shop- service points as well as by mail or electronic means.

2. The time limits for the public organ shall start to run from the submission of the request and complete documentation to the one- stop- shop- service point, or in accordance with the rules provided for by article 57 of this Code, regardless of the time needed to forward it to the competent public body.

3. The Council of Ministers shall, by means of a decision:

a) determine the economic activities and administrative procedures regarding the start and exercise of the activity which are carried out through the one- stop- shop- service points;
b) designate the public organs which act as a one- stop- shop service -points or establishes special public organs for this purpose;

c) adopt the internal procedures of communication between the one- stop- shop- service point and the competent public organ.

ç) adopt the procedures and standards for the services windows serving the citizens and supporting offices responsible for the data processing and finalization of the public services in the one- stop- shop service centres.

CHAPTER X

ADMINISTRATIVE INVESTIGATION

SECTION 1

PRINCIPLES OF ADMINISTRATIVE INVESTIGATION

Article 77

Principle of ex-officio investigation

1. The public organ shall *ex officio* investigate all facts and assess all circumstances necessary for the resolution of the case.

2. The public organ shall determine independently the type, purpose, and extent of administrative investigation, and assess whether a fact or circumstance is necessary for the resolution of the case.

3. Unless otherwise provide by law, the documents that certify acts, facts, qualities, or subjective situations, necessary for the conduct of an administrative investigation, shall be administered *ex officio* by the organ that conducts the administrative procedure, either in its own administration or other public bodies. The public organ may request from the party only the necessary elements for their identification.

Article 78

Cooperation during the administrative investigation

1. The party shall collaborate with the public body in establishing the facts and circumstances necessary for the solution of the case. The law may explicitly provide for the additional obligation of the party to submit information, evidence, documents, statements, or appear personally before the public organ.

2. The parties may not be required to appear personally before the public organ, if communication with them can be ensured with other suitable means.

3. Parties may present their statements either in verbal or written form. Due to the problems or complexity of the case, parties may be required to submit their statements in written form.

Article 79

Subjects of investigation procedure

1. The investigation procedure shall be conducted by the public organ that has the competence to take the final decision.

2. The public organ which has the competence to take the final decision may delegate the right to conduct the investigation procedure to the subordinated body, save for cases where delegation is prohibited by law.

3. The public organ which has the competence to conduct the investigation procedure may require the subordinated organ to conduct specific investigation tasks.

SECTION 2

TOOLS FOR SEARCH OF EVIDENCE

Article 80

Meaning and tools for the search of evidence

1. The public organ, in order to determine the situation of facts and circumstances relevant to the case, may:

a) gather statements from parties, witnesses, and experts;

b) obtain documents and other documents stored by photographic or recording devices or any other technical means;

c) visit and inspect goods or places involved.

2. The provisions contemplated in the Law on the Organization and Functioning of Administrative Courts and Administrative Disputes on tools of evidence search shall apply to the extent possible also to the administrative procedure, unless otherwise provided in this Code.

3. Facts already known to the public authority or commonly known facts, and facts assumed by law shall not need further evidence.

Article 81

Evaluation of evidence

Any public body shall, based on its conviction, appreciate which facts shall be considered as proved, based on a detailed evaluation of each piece of evidence separately, and of all evidence together, and also based on the entire result of the administrative investigation.

Article 82

Burden of proof

1. In the administrative proceedings initiated with the request of the interested party, the burden of proof on claimed facts shall fall on the interested parties in the administrative proceeding, regardless of the obligation of the administration to make available to the parties the evidence under its possessions.

2. In cases where the party presents evidence on which it bases claims for discrimination, and based on which it may be presumed that there was discrimination, the other party and/ or the public organ shall be obliged to prove that the facts do not constitute discrimination, regardless of the duty of the administration to make available to the parties the evidence under its possession.

3. In order to support their claims, the parties may attach to the request for initiating the administrative proceeding various documents or facts.

4. The parties may require the public body to take the necessary measures to ensure the use of evidence in its possession in the course of the administrative proceeding.

Article 83

Presentation of evidence before another organ

1. If the presentation of evidence before the public body conducting the administrative proceeding is difficult, requires time, or has great cost, the public body may *ex officio* or on request of the party decide that the admission of all evidence or a part of them is made by another public body.

2. In this case, the provisions of articles 71 and 73 of this Cod on administrative assistance shall apply to the extent possible.

Article 84

Methods for submission of information and evidence

1. In the event the parties are required to submit information or evidence, the party should be notified in written or any other verbal form, according to the provisions of this Code.

Article 85

Failure to submit the evidence

1. In the event the parties fail to respond to the notification, the administration may issue a new notification or interrupt the procedure, if that does not affect any public interest.

2. The failure to reply to the notification may be taken into consideration for the purposes of proving, in accordance to the circumstances of the case, but in any case it will not release the public organ from the duty to search for the evidences and facts itself and issue a final decision.

3. In cases where the information or documents required by the parties are necessary for the examination of the claim raised by the parties themselves, the procedure shall be suspended until information is secured and the interested party shall be notified accordingly.

Article 86

Securing the evidence

1. In cases where a piece of evidence on which the resolution of the case depends, or which has an impact on its clarification, risks disappearing or its collection becomes difficult or impossible, the public organ shall, either *ex office* or on justified request of the party, may decide to acquire this evidence in advance (securing the evidence).

2. The public organ conducting the administrative proceeding may decide to secure the evidence prior to the initiation of the administrative procedure. The securing of the evidence may also be done at any stage of the administrative procedure. The responsibility for securing the evidence falls on the public organ conducting the procedure.

3. Expenses incurred in the course of activities undertaken by the administration for securing the evidence, except the evidence possessed by it, shall be covered by the interested party requiring them.

SECTION 3

NOTIFICATION AND HEARING OF INTERESTED PARTIES

Article 87

Notification and the right to be heard before a final decision is taken

1. Before a final decision is taken, the public organ shall, except for the cases provided for by article 64 of this Code, notify the party regarding its right to be heard.

2. The notification, as per paragraph 1 of this article, shall be made in writing or in a meeting with the party and shall include information on the following:

a) the public organ conducting the procedure and the responsible official;

b) the parties involved;

c) information on the right to inspect the files and the office and place where this can be done;

ç) the administered evidence, the results of investigation, as well as the expected result of the administrative procedure and its motivation;

d) information on the right of the party to be heard and the manner and deadline of the exercise of this right;

dh) the date of the instituting of the procedure and the time limit within which the decision shall be taken and notified, if such deadline is applicable.

3. The deadline provided by letter “d” of paragraph 2 of this article, if not provided by law or sub-legal acts, shall be determined by the public body, in accordance with article 53 of this Code.

Article 88

Exercising the right to be heard

1. The right of the party to be heard may be exercised in any appropriate way and within the deadline determined by the public organ.

2. The parties, while exercising their right to be heard, may submit comments, also on the evaluation of administered evidence, the results of the investigation, and on the possible result of the procedure.

3. The public body shall take a final decision, only after the time limit set for the party to exercise its right to be heard has expired. The parties’ failure to exercise such right within the set time limit shall not cause the postponement of the issuance of a final decision.

Article 89

Exemption from the right to be heard

1. An administrative procedure may be terminated without notifying and giving to the party the opportunity to be heard, only in the following cases:

a) there is an urgency to issue a final decision, due to the damage which could be caused to the public interest as a result of the delay;

b) the parties have presented their opinions, comments, and full explanations during the course of the administrative procedure;

c) during the course of the administrative procedure it is evident that the decision will be entirely in the party's favour;

ç) in an administrative which is based on a public competitive proceedings;

d) that is explicitly provided by law.

CHAPTER XI

CONCLUSION OF THE ADMINISTRATIVE PROCEDURE

Article 90
Conclusion of the administrative procedure

1. The administrative procedure, instituted upon request, shall be concluded with the adoption of a final decision on the case, respectively an administrative act or administrative contract. In the final decision on the case, the public organ shall dispose regarding all issues raised by the parties during the procedure, and which were not resolved in the course of it.

2. The conclusion of the administrative procedure instituted *ex officio* is in the discretion of the public body, save for cases when it is otherwise provided by law.

3. The administrative proceeding instituted upon request or *ex officio,* shall be declared concluded without a final decision on the case, in cases provided for in Articles 93 and 96 of this Code. The statement on the conclusion of the administrative proceeding without a final decision on the case shall constitute an administrative act.

Article 91

Time limit for the conclusion of the administrative proceeding

1. The administrative procedure, instituted upon request, save when this Code has provided otherwise, must be concluded as soon as possible and within the time limit set by the special law.

2. In case the special law has not specified any time limits, the time limit for the conclusion of the administrative procedure is 60 (sixty) days.

3. If the law has provided the duty of the party to submit documents or evidence, as a part or together with the request for initiation of the proceeding, the time limits defined in paragraph 1 and 2 of this article shall start to run from the date of their full submission.

4. In the event of state of emergency, the administrative procedure shall be completed within 3 (three) months from the day of the termination of the state of emergency.

5. Failure to comply with the time-limits provided in this article should be justified by the responsible organ to the superior body, or by the responsible official to his/ her own superior within 10 (ten) days from the expiry of the time-limit or the end of state of emergency.

Article 92

Extension of the procedure time limit

1. Save when explicitly forbidden by law, in justified cases, due to the complexity of the case, the public body may, only once, extend the time limit, as per article 91 of this Code.

2. The extension of the time limit shall be made to the extent it is necessary for the conclusion of the procedure, in proportion to the complexity of the concrete case, but for not more than the duration of the initial time limit.

3. The extension of the time limit and the date of the expiration of the extended time limit shall be notified to the party within the initial time limit. The notification should also contain the justification of the extension of the time limit.

Article 93

Death of the party, termination of the legal entity

1. If a party, a natural person, dies in the course of the administrative procedure, that takes place on an issue of personal character, the public organ shall declare the administrative proceeding concluded, without taking a final decision on the issue. In any other case, if the public body considers that the party participation is necessary, it shall temporarily suspend the proceeding until the identification of the heirs.

2. Save when otherwise provided by law, similarly in the case of termination of a legal entity, when the latter is a party, the public organ shall declare the conclusion of the administrative procedure without taking a final decision.

Article 94

Withdrawal of the request or abandonment of the procedure

1. As a rule, in an administrative procedure instituted upon request, the public organ shall declare the conclusion without a final decision on the case, if the party that has submitted the request withdraws it.

2. The public organ may declare the conclusion of an administrative procedure instituted upon request also if the circumstances clearly indicate that the party which has submitted the request has no more interest in the continuation of the procedure and has abandoned it.

3. In any case, the withdrawal of the request or the abandonment of the procedure shall not affect its continuation, if the public body considers that the continuation of the procedure is in the public interest, except when that procedure is such that can be instituted only upon the request of the party.

4. The procedure shall be declared abandoned, without a final decision on the case, if the interested party, due to its own fault, has been inactive during the time limit for the completion of the administrative procedure as per Article 91 of this Code.

5. The abandonment of the procedure shall not abolish the right, which the individual has requested to be acknowledged to him.

Article 95

Inability in object or purpose

1. The public organ shall declare the administrative procedure as concluded without a final decision on the case, when the object for which the proceeding was started has become impossible.

Artie 96

Failure to pay fees

1. The procedure instituted upon request shall be declared as concluded due to failure to pay, within the set time limit, the fees, whose payment according to the law is a condition for the issuance of a final decision, except when otherwise provided by this Code.

2. If the party pays double the fee within 10 (ten) days from the expiry of the original time limit for the payment of the fee, the public body shall conclude the administrative procedure through the adoption of the relevant final decision.

Article 97

Silent consent

1. If in an administrative procedure the party has requested the issuance of a written administrative act and the public organ fails to notify its decision within the time limit defined by law or sub-legal act for the conclusion of the procedure, and neither notifies the extension of the time limit, nor a decision issued within the extended time limit, the request shall be deemed approved, and the request written administrative act as approved in silence (hereinafter referred to as "the act in silence"), for the cases been provided in special laws.

2. The party shall be entitled to request form the public authority, which has failed to issuethe requested administrative act, a written confirmation that his/ her request is considered to have been approved in accordance with paragraph 1 of this Article. The confirmation shall contain the text of the request, the date of its submission and the fact that the public body has failed to notify its decision within the time limit defined as per paragraph 1 of this Article.

3. If the authority does not issue a confirmation in accordance with paragraph 2 of this Article within seven days from the date of submitting the request of the party as per paragraph 2 of this Article, or at the same time does not issue the requested administrative act, the party may bring a lawsuit to the competent court for administrative matters, to clarify the rights and obligations between the plaintiff and the public organ.

PART V

ADMINISTRATIVE ACTIVITY

CHAPTER I

ADMINISTRATIVE ACT

SECTION 1

FORMAL REQUIREMENTS ON THE ADMINISTRATIVE ACT

Article 98
Form of administrative act

1. Unless otherwise provided by law, the administrative act shall have a written, electronic, verbal, or any other suitable form.

2. A verbal administrative act shall be confirmed in written or electronic form, when the party or interested party request this immediately.

3. The public organ is obliged to confirm in written or electronic form the content of the verbal act without delay.

4. The confirmation as per paragraph 2 and 3 of this Article, although it is not an administrative act, shall be in line with the requirements specified in Article 99 of this Code.

5. Acts of collegial bodies shall be made in writing. These acts shall be registered in a minute otherwise they shall not bring any legal effects.

Article 99

Formal requirements of the written ad electronic administrative act

1. At any case the administrative act shall indicate its purpose.

2. An written or electronic administrative act shall contain:

a) the introductory part, which consist of:

i. the name of the public organ issuing the act,

ii. parties to which the act is addressed

iii. the date of drafting the act;

iv. the legal base.

b) the reasoning part;

c) the disposition part which indicates:

i) the ordering part, indicating what has been decided;

ii) the time of entry into force of the act;

iii) the right to appeal, including the public organ or the court where the appeal may be brought, the remedies, the deadline for lodging an appeal, and the way of its calculation.

3. If not provided otherwise by law, the written administrative act shall contain the signature, written name and surname of the responsible official, or the head and secretary of the collegial body, respectively.

4. The electronic administrative act shall be electronically signed, in line with the legislation in force. In such cases, the requirements of paragraph 3 of this article shall be

replaced with the electronic signature of the public organ, in accordance with the legislation in force.

Article 100

Reasoning of the act

1. The written or electronic administrative act, as well as the administrative act confirmed as per Article 98 paragraph 2 and 3 of this Code should be reasoned. The reasoning of the administrative act should be clear and consist in the following:

a) an explanation of the factual situation upon which the acts was issued;

b) a summarized explanation of the result of the administrative investigation and evaluations of the evidence;

c) the legal base of the act and explanation why the legal conditions for its implementation are meet in this case;

ç) in case of discretion, explanations why discretion was used in the determined way;

Article 101

Acts that are not required to be reasoned

1. The written or electronic administrative act, as well as the administrative act that is confirmed per Article 98 paragraph 2 and 3 of this Code shall not be required to be reasoned in the following cases:

a) that is explicitly excluded by special law;
b) the administrative act issued upon request of the party, consist of a fully acceptance of the request and does not affect the rights or interests of parties;
c) save when the law has provided otherwise, acts approving decisions of boards, juries or commissions established by public organs, as well as superiors' orders, concerning issues of internal organizations and functioning;

ç) the act publicly announces a collective administrative act;
d) the body issues an administrative act following the practice followed for the resolution of objectively same cases;

Article 102

Additional conditions for the beneficiary administrative act

1. A beneficiary administrative act may be associated with one or more of the following additional conditions:

a. an event which is not sure that will happen and on which occurrence depends the start or end of a right, benefit or burden (condition);
b. a date or a time period in which a right, benefit or burden shall begin, end, or take respectively;
c. a reserve by the public organ regarding abrogation; and/or
ç. an additional condition requiring the beneficiary to perform, to stop a certain action or allow a certain action.

2. The additional condition as per paragraph 1 of this Article shall be permitted only on the following conditions:

a. it does not counter- react with the purpose of the administrative act and
b. it is not prohibited by law.

Article 103

Act of assurance

2. Act of assurance is issued by the competent public organ only upon request of the parties and has at any case a written form.

3. If prior to the issuing of the act of assurance, the competent public body considers that there must be a hearing with the person or persons, or under the law the participation of

another public organ is required, the act of assurance shall be issued after the hearing of the person or persons or the participation of the public organ.

4. If after the issuance of the act of assurance, the facts or legal basis of the case change in such
an extent that if the organ would have been aware of this change, it would not have issued the act of assurance, the latter shall no longer be mandatory for the public organ body.

SECTION 2

LEGAL EFFECTS OF THE ADMINISTRATIVE ACT

Article 104
Start and end of the legal effects of the administrative act

1. An administrative act shall bring legal effects to the party to which it is addressed or whose interests are affected by the act, upon notification of the contents of the act to the parties.

2. The administrative act adopted in silence shall begin to bring legal effects on the day on expiry of the deadline for its notification, as per Article 97 of this Code.

3.An administrative act can start to bring legal effects in another date, explicitly set by the act itself, but in no case before the notification of the party, according to paragraph 1 of this Article.In this case,the date of starting the legal effects shall be defined explicitly in the part of the disposition of the written administrative act.

4. An administrative act shall bring legal effects:

a) as far as it is not been cancelled or repealed, *ex officio* or as a result of exercising the administrative or judicial legal remedies;

b)as long as the time period of the act has not ended or the its purpose has not been fulfilled; or

c) for any other reason foreseen by the law.

Article 105

Retroactive effects

1. The administrative acts shall have retroactive effect in the following cases:

a) when the act is issued pursuant to a court decision, which in turn has declared an administrative act as invalid;

b) when the law itself gives retroactive effects.

c) the competent body may give retroactive effect to the act when this is allowed by law and is to the favour of the interested parties and does not damage the rights of a third parties.

Article 106

Publication of the acts in the Official Journal

1. The publication of the administrative acts is compulsory only when such a thing is required by the law.

2. Failure to publish the act when this is explicitly provided by law shall led to the non- entry into force of the act.

SECTION 3

LEGALITY, INVALIDITY AND CORRECTION OF THE ADMINISTRATIVE ACT

Article 107

Legality of the administrative act

1. An administrative act is lawful if it was issued by the competent public body, in accordance with the legal principles and requirements, contemplated in this Code and the legislation in force.

Article 108

Absolutely invalid administrative act

1. An administrative act shall be absolutely invalid in the following cases:

a) it is in flagrant contradiction with an ordering provision of this Code, and legislation in force with regard to:

i) the competence of the public organ,
ii) the procedure of its issuing; or
iii) the form or other mandatory elements of the act;

b) it was issued based on fraud, threat, bribery, conflict of interest, forgery, or any other act constituting a criminal offence;

c) the execution of the act may cause a punishable action under the criminal law;

ç) in any other case explicitly provided by law.

Article 109

Unlawfulness of an administrative act

1. An administrative act is unlawful when:

a) the issuing public organ acted without having the competence;
b) it came into being through the infringement of provisions regulating the administrative procedure;
c) it contradicts the provisions regulating the form or the compulsory elements of the administrative act;
ç) it was issued without authorisation by a law, according to Article 4, paragraph 2 of this Code;
d) it violates substantive law;
e) is a result of the discretion was not lawfully exercised, or
ë) it does not comply with the principle of proportionality.

Article 110

Effect and declaration of the absolute invalidity

1. The absolutely invalid administrative act shall not bring any legal effect, regardless of whether it is declared as such or not. It shall be considered as inexistent.

2. The absolute invalidity of the act may be declared at any time, either ex officio or upon request of any interested person, by the public organ that has issued it, its superior organ, or the organ which is competent to review the administrative legal remedies and by the competent court for administrative issues, in accordance with the law.

3. In case only a part of the act is absolutely invalid, and such part is so important that the public body would not have issued the act without it, the whole act shall be absolutely invalid.

Article 111

Compulsory declaration of the absolutely invalid administrative act

The public organ shall be obliged to declare the absolute invalidity of the administrative act if it becomes aware about the instances provided for in Article 108 of this Code.

Article 112

Correction of material mistakes in the administrative act

1. The public body, at any time, either *ex officio* or by request, may correct the errors in writing, errors in the calculation and other obvious inaccuracies, in an administrative act.

2. The public body shall have the right to ask the restitution of the written administrative which is corrected, and any unified copy of it.

SECTION 4

ANNULMENT AND REPEAL OF THE ADMINISTRATIVE ACT

Article 113

Procedure and effects of annulment and repeal

1. An administrative act may be annulled or repealed, *ex officio,* by the public organ that has the competence to issue the act, by its superior organ or by another organ explicitly determined by law.

2. The annulment of an administrative act shall have retroactive effect, whereas the repeal of the administrative act shall have effects only for the future. Both the annulment and repeal may be partial or entire.

3. The annulment or abrogation shall be done by a new written act, which annuls, abrogates, amends, or supplements the first act.

Article 114

Discretionary annulment and repeal of an unlawful administrative act

1. Except for the cases provided for in Article 118 of this Code, an unlawful administrative act may be either annulled or abrogated in order to reinstate lawfulness situation.
1. If the beneficiary party is in good faith, the unlawful beneficial administrative act may not be annulled but only repealed.

3. The beneficiary party shall not be deemed in good faith when it was aware of the grounds of unlawfulness of the act or was unaware thereof, due to gross negligence or the act is issued based on substantially incorrect or incomplete information culpably provided by the party.

Article 115

Annulment of a lawful administrative act

1. A lawful administrative act may be annulled, if the party in an administrative act subject to an obligation, as provided by paragraph 1, letter “ç” of article 102 of this Code, has not met fully the obligation or has not done so within the given time limit.

Article 116

Repeal of a lawful administrative act

1. Unless otherwise provided by law, a lawful administrative act may be repealed only if it is necessary in order to prevent or eliminate a serious harm to life and health of people or to public safety, and this could not be done by other means, which would affect less the acquired subjective rights or legitimate interests of the party.

2. The beneficiary party, in the case of the repeal referred to in paragraph 1 of this article shall be entitled to compensation when it has made financial arrangements which he can no longer withdraw from, or can withdraw only by suffering damages which would not be reasonable to be asked from it.

3. The amount of compensation shall not exceed the reasonable interest of the party in the continuation of legal effects of the repealed act. The party shall not be entitled to compensation for the lost profit.

Article 117

Deadlines for abrogation and repeal

1. The repeal foreseen in paragraph 1 of Article 116 of this Code may be done at any time.
2. In any other instance, other than the one foreseen in paragraph 1 of this article, the annulment or repeal may be made within 30 days from the date when the public organ took knowledge on the facts which justify the annulment or repeal, but no later than 5 (five) years from the notification of the administrative act.

Article 118

Reimbursement of payments and contributions in the case of annulment

1. All payments or contributions, which have been made either by the party and/ or by the public organ, based on an annulled act, shall be returned.

2. The amount of reimbursement of payments and contributions, provided in paragraph 1 of this article shall be defined in the act of annulment and estimated by the public organ, according to the relevant provisions on undue enrichment in accordance with civil legislation.

CHAPTER II

ADMINISTRATIVE CONTRACT

Article 119

Conditions and requirements of administrative contracts

1. A public organ, in order to fulfil a public interest, which it serves to, but without affecting the interests or rights of the other parties, may conclude an administrative contract, provided that the following conditions are meet:

a. the contractual form is not explicitly prohibited by law, or does not come against to the nature of the administrative case itself; and
b. the public body is authorized by law to decide on the case with discretion;
2. The administrative contract shall be concluded in writing, save for cases when the law has provided another special form.

3. The contract shall be signed by the parties or representatives manually or electronically, in line with the modalities defined by the legislation in force. The signature on behalf of the public organ shall be based on an authorization issued of the respective organ.

Article 120

Substituting administrative contract

1. A public organ may conclude a substituting administrative contract with a party to whom it would otherwise address an administrative act, if the public interest is better pursued through an administrative contract.

2. In the substituting contract, the other party which is not a public organ, is obliged to perform or not to perform an action, or give something against the performance of an action by the public order. This obligation serves the public organ for the fulfilment of a public administrative function according the purpose defined in the contract.

3. The text of the substituting administrative contract shall reason that the public interest is better protected with the conclusion of this contract.

Article 121

Administrative contract among public organ

1. Public organs may conclude contracts among themselves for governing the relations for the performance of activities in common interest.

Article 122

Invalidity of an administrative contract

1. The invalidity of an administrative contract shall be governed according to the provisions of the Civil Code on the invalidity of the legal actions. Besides, administrative contract shall be invalid also in the following cases:

a) when the requirements under article 119 of this Code have not been complied with.

b) when the requirements concerning the conclusion of a substituting administrative contract provided in Article 120 of this Code have not been complied with;

Article 123

Amendment, dissolution, or withdrawal form an administrative contract

1. If due to circumstances arising after the conclusion of the contract, and unforeseeable at the time of its conclusion, the continuation of the execution of the contract obligations becomes extremely difficult for one of the contracting parties, they may agree on the amendment, or dissolution of the contract.

2. The public organ may unilaterally withdraw from the administrative contract in order to avoid or halt the violation of the public interests.

3. The withdrawal shall be made through a written and reasoned administrative act, against compensation for the damage suffered by the other party.

Article 125

Applicability of other legal provisions

1. For matters on the administrative contract which are not explicitly regulated by this Code, the corresponding provisions of the Civil Code of the Republic of Albania or special legal provisions shall apply.

Article 125

Settlement of disputes

1. Any dispute between the contracting parties, which stems from an administrative contract, shall be settled directly by the competent court for administrative matters.

CHAPTER III

OTHER ADMINISTRATIVE ACTIONS UNDER THE REGIME OF ADMINISTRATIVE LAW

Article 126

Other administrative actions under the regime of administrative law

1. The other administrative actions under the regime of the administrative law are any unilateral form of the activity of the public organ, in the exercise of its public functions, which do not meet the criteria to be an administrative act or administrative contract and which bring legal effects on subjective rights and legitimate interests.

2. The other administrative action under the regime of the public law shall be lawful if it is in line with the principles of this Code and within the competence of the public organ.

CHAPTER IV

INDIRECT PERFORMANCE OF PUBLIC SERVICES

Article 127

Indirect performance of public services

1. In the case of an activity in favour of the public utility or public services, which are delivered by public or private entities, under the regime of private law, the regulatory, supervisory or licensing organ, under the law, must ensure, through the supervisory exercise, the continuity, universality, affordable cost, adequate quality of the service, objectiveness and transparency of procedures and non-discrimination of the public service beneficiary.

2. The indirect fulfilment of public services must not provide the beneficiary of the service less legal protection compared to the situation when the service is directly performed by the public organ.

PART VI
ADMINISTRATIVE LEGAL REMEDIES

CHAPTER I

GENERAL PROVISIONS

Article 128

Locus standi and administrative legal remedies

1. The party shall have the right to exercise the administrative legal remedies against any administrative action or omission, if it claims that its legitimate rights or interests are affected by such an action or omission.

2. Unless otherwise provided by the law, the administrative legal remedies may be exercised due to unlawfulness.

3. The administrative legal remedies are:

a) the administrative appeal, which includes:
i) the administrative appeal against the administrative act or omission of the public organ for issuing the act within the specified and/ or the procedural action of the public organ during the administrative procedure (administrative appeal against the administrative act); or
ii) the administrative objection against another administrative action under the regime of the administrative law (administrative objection);

b) review.

4. The party shall not have the right to exercise for the second time the administrative legal remedies for the same case.

Article 129

Exhaustion of the administrative legal remedies

1. Exhaustion of the administrative appeal is a precondition for bringing a lawsuit to the competent court for administrative matters, unless:

a) the law does not provide a higher organ for bringing an administrative appeal, or when the higher administrative body is not constituted;

b) the law has expressly provided the right to appeal directly to court;

c) the highest organ in reviewing an administrative act, by its decision, has violated the personal or personal legitimate interests of a person who was not a party in administrative procedure.

CHAPTER II

ADMINISTRATIVE APPEAL AGAINST THE ADMINISTRATIVE ACT

SECTION 1

FORMAL REQUIREMENTS OF THE ADMINISTRATIVE APPEAL AGAINST THE ADMINISTRATIVE ACT

Article 130

Administrative appeal against the administrative act and its purpose

1. Except when otherwise provided by law, the administrative appeal may be filed against an administrative act or omission of a public organ for issuing the ct within the specified deadline

2. A procedural action of a public organ during the administrative procedure may be appealed separately, only when the appeal is expressly provided by law.

3. The procedural action under paragraph 2 of this Article shall be any act, action, or omission of a public organ during the administrative procedure, which is not a final administrative act or an administrative act on the completion of the administrative procedure as provided in Article 90 of this Code.

Article 131

Content of the administrative appeal against the administrative act

1. The administrative appeal against the act shall define:

a) the subject that exercises the administrative appeal;
b) the body which reviews the administrative appeal;
c) the administrative act which is being objected or the administrative act which is required but is not issued.
d) the object and causes for which the appeal is made;

2. Regardless the provisions of the paragraph 1 of this Article, any request addressed to the public organ shall be assessed as administrative appeal against the act, even if it is not entitled explicitly as such. In this case, the purpose to appeal against an administrative act, or for asking the issuance of an act, shall be sufficiently clear.

Article 132

Time limit for administrative appeal against the administrative

1. The administrative appeal against the administrative act should be submitted within 30 (thirty) days from the day when the appellant has received notification on the issuing or refusal to issue the administrative act.

2. In the case of administrative omission, unless silent approval is applicable, the appeal must not be filed earlier than 7 (seven) days and no later than 45 (forty five) days from the date of expiration of the set or extended deadline for the completion of the administrative procedure.

Article 133

Effects of an administrative appeal against the administrative act

1. Save for cases when it is otherwise by the law, the administrative appeal against the act, submitted in line with the requirements of Articles 130-132 of this Code, and shall suspend the execution of the act until the notification of the appeal decision.

2. If two or more parties with the same interest are included in the administrative act, the administrative appeal against the act presented by one of the parties shall extend the suspending effects to all the parties involved.

3. The implementation of an administrative act against the act shall not be suspended in the following cases:

a) the administrative act aims to collect taxes, taxation and other budgetary revenues;
b) the administrative act relates to police measures;
c) the public organ which considers the appeal considers that the immediate implementation is in the interest of the public order, public health, and other public interests.

4. Against the act which decides to stop the suspending effect of the appeal, a direct appeal can be brought to the competent court for administrative matters, within 5 days from the date of notification of the decision.

Article 134

Organ where the appeal is addressed

1. Unless otherwise provided by law, an appeal against an administrative act may addressed to the public organ which:

a) issued or is competent to issue the act;
b) the superior public organ of the organ provided in letter "a" of paragraph 1 of this Article, or;
c) another public organ explicitly stated by law.

2. If the appeal is directed to one of the organ provided for in the letters "b" and "c" of paragraph 1 of this Article, they shall forward it without delay to the competent organ.

3. An appeal against administrative omission may be addressed directly to the bodies provided in letters "b" and "c" of paragraph 1 of this article. If the appeal was sent to the organ foreseen in letter "a" of this article, it shall forward it, without delay, to one of the bodies provided for in letters "b" and "c" of paragraph 1 of this article, along with the case file and a written report about the reasons for silence.

Article 135

Conditions for admissibility of the appeal

1. The appeal is admissible if it meets the following conditions:

a) is not expressly excluded by law;
b) the applicant has locus standi in accordance with Article 128 of this Law;
c) is filed within the time prescribed by section 132 of this Code, and
ç) any other condition provided explicitly in the law.

SECTION 2

PROCEDURE OF CONSIDERATION OF THE ADMINISTRATIVE APPEAL AGAINST THE ACT

Article 136

Procedure of consideration of the appeal by the competent public organ

1. An appeal against an administrative act shall be first considered by the competent public organ itself, unless otherwise provide by law.

2. The competent public organ shall initially examine whether the appeal is acceptable and only if this is the case, it examines the legality and appropriateness of the administrative act subject to appeal. If necessary, the competent public organ can perform additional administrative investigations.

3. If the annulment, repeal or amendment of the appealed administrative act or the issuance of the refused act would cause damage to another party, the competent organ should give it the opportunity to be heard, according to Article 87, 88 of this Code, before taking a decision on the appeal filed.

4. When the competent public organ considers that the appeal is admissible and fully founded, it shall by a new administrative act annul, repeal, or amend the appealed act, or issue the rejected act as required by the party, respectively.

5. When the competent public authority considers that the appeal is not admissible or fully founded, it shall without delay and without being expressed on it, forward it for consideration and decision-making to the superior body, along with all relevant documents of the file and a written report on his position.

Article 137

Procedure of consideration of the appeal by the superior organ

1. In the case foreseen in paragraph 5 of Article 136 of this Code the superior organ shall consider the appeal forwarded the competent body and if necessary conducts additional investigations or orders the competent body to conduct additional investigations and notify about them. Paragraph 2 and 3 of this Article shall apply also in this case.

2. The supervisor organ, by administrative act shall reject the appeal if it turns out to be not acceptable or unfounded.

3. If the superior organ estimates that the ordering part of the appealed administrative act is lawful, but the reasons given are other than those provided by the competent public in the appealed act, or if it considers that its reasoning is not complete, it shall reject the appeal and provide the new reasoning.

4. If the superior organ estimates that the appeal is admissible and founded, it must finally decide by a new act, by annulling, repealing or amending, in whole or in part, the appealed act, or by issuing the act required by the party, respectively.

5. Unless otherwise expressly provided by law, the act of the superior organ can only be in favour of the appellant.

Article 138

Appeal against administrative omission

1. An appeal against administrative omission shall be directly considered by the supervisor organ. The superior organ shall immediately ask the competent organ to submit the case file and a written report on the reasons of administrative silence, without delay.

2. The supervisor organ shall, initially, consider whether the appeal is acceptable, and only if it is acceptable, decide on the request of a party, as it has been submitted to the competent organ.

3. The supervisor organ shall decide on the request based on the file of the case or, if necessary, conduct additional administrative investigations, or order the competent organ to conduct such additional investigation and inform it on the results of the investigation.

4. Unless otherwise provided by the law, the superior organ shall solve the case by issuing a final act.

Article 139

Content and effect of the act resolving the appeal

1. Besides the requirements of Article 100 of this Code, the reasoning of the administrative act that resolves an appeal shall also contain an assessment of the all allegations put forward by the party in the appeal.

2. Unless otherwise expressly provided by law, the act that resolves the appeal shall have legal effect to the past. Paragraph 2 and 3 of Article 114 of this Code, shall apply also in this case as appropriate.

Article 140

Deadline for notifying the act resolving the appeal

1. Except as otherwise provided by law, the administrative act that resolves the appeal will be issued and notified to the party within 30 days of form the filing of the appeal.

2. The deadline provided for in paragraph 1 of this Article may be extended when it is required to conduct additional administrative investigations. Article 92 of this Code shall also apply for the extension of the deadline as provided for by paragraph 1 of this Article.

3. Article 93 of this Code shall not apply in the case of administrative appeal.

CHAPTER III

ADMINISTRATIVE OBJECTION

Article 141

Object of administrative objection

1. In case of administrative objection against another administrative action, under the regime of administrative law, the party may require from the public organ:

a) the ceasing of the performance of another administrative action;
b) the performance of another administrative action to which the party is entitled, if such action has been required by the party but the public organ has failed to act;
c) the withdrawal or amendment of a public statement;
ç) the declaration as unlawful of another administrative action and the rectification of its consequences.

2. The party may, in the case of administrative objection regarding the indirect performance of public utility services, and other public services, require the exercise of regulatory functions or supervision by the regulatory, supervisory, or licensing organ, in order for the objecting party to benefit a service, for which it is entitled according to the law, and the respect by the private or public subject of the duties provided for in paragraph 1 of Article 127 of this Code.

Article 142

Content and time limit of administrative objection

1. Article 131 of this Code shall apply also to the administrative objection, to the extent possible.

2. An administrative objection shall be presented within 15 (fifteen) days from the day the party has become aware of the fact which it is objecting.

Article 143

Consideration of the administrative objection

1. The administrative objection in case of indirect performance of public services shall be addressed and considered by the public regulatory, supervisory, or licensing organ. The complaining party shall be informed without delay on the adopted measures by this organ.

2. In the cases foreseen in letter “a)”, “c)” and “ç)” of Article 141 of this Code, the objection shall be addressed ad considered by the competent organ.

3. In the case foreseen in letter “b” of Article 142 of this Code, the objection shall be addressed and considered by the superior organ. If the superior organ rules in favour of the party, it shall set a deadline for the competent organ for performing the other administrative action requested.

4. The decision on the consideration of the objection shall be taken and notified to the parties within 30 (thirty) days from the date of its submission. Against this decision a direct lawsuit may be brought to the competent court for administrative matters.

CHAPTER IV

REVISION

Article 144
Reopening

1. Reopening is the legal administrative remedy by which is requested the annulment or amendment of an issued administrative act or the issuance of a refused administrative act, against which an appeal is not acceptable any more due to the expiry of the deadline provided by this Code.

2. A party may seek reopening, if new circumstance or new evidence in writing are discovered which are relevant for the case, which were not known or could not have been

known by it during the conduct of the administrative procedure which led to the issuance of the administrative act.

Article 145

Time limit and submission

1. The request for reopening must be submitted within 30 days from the date that the party becomes aware of the cause of reopening, but in any event not later than 2 years from the date that the cause for review has occurred.

2. The application shall be submitted to the organ that has issued or refused the administrative act subject of the request for reopening.

Article 146

Decision on reopening

The organ that has issued or refused the administrative act, when it determines that the administrative act or administrative refusal would be unlawful, if issued in the current prevailing circumstances, shall respectively annul or amend the act, or issue the refused act. Otherwise, the reopening of proceedings shall be denied.

PART VII

NOTIFICATION

CHAPTER I

GENERAL RULES OF NOTIFICATION

Article 147
Suitable notification

1. The public organ shall communicate the party or another person involved in the administrative procedure the administrative action or the procedural action by means of a notification.

2. Unless otherwise provided by law, the public organ shall be free to decide the appropriate way of notification of administrative actions, or any other notification, in the framework of the administrative procedure, consideration of the administrative legal remedies, or execution procedure of the administrative act.

3. At any case, the public body shall perform the notification, taking into account its effectiveness, the legal protection of the interests of the party, transparency, and cost.

Article 148
Forms of notification

1. When the party is present, notification may be done orally or in any other appropriate form of communication.

2. A written document can be notified by mail, by electronic means, fax, or by formalized notification, according to the provisions of this Code.

Article 149
Notification addressee

1. Except when explicitly otherwise provided by this Code, the notification shall be done to the party personally. Exceptionally, when the public organ has been informed on the

appointment of a representative or persons responsible for the notifications, the notification shall be done to the latter.

2. The notification done to the representative or the person responsible for the notifications shall be deemed to have been done to the party personally.

Article 150

Person responsible for the notifications

1. When 20 (twenty) or more parties with identical claims do not have a joint representative, they shall, upon request of the public organ, are obliged to nominate a joint agent for the notifications, within a time limit defined by the public organ.

2. In case the person responsible for the notifications is not assigned with the time limit, the public organ may appoint one of the parties as the responsible person for the notification, after receiving is consent. At any case, the appointment of the responsible person for the notification shall be made in accordance with the procedure provided in paragraph 2 of Article 38 of this Code.

3. In the act notified to the joint person responsible for the notifications, all parties to whom the notification is addressed shall be indicated.

Article 151

Place of notification

1. The notification shall be in:

a) the place where the recipient is welling or residing;
b) any place where the recipient is located, including also the penitentiary institutions;
c) if the recipient is a legal entity, the seat or any place where it recipient conducts its activity.

ç) place of work;
d) the place of activity or office of the recipient.
f) any other place specified and notified in advance by the party.

2. Paragraph 1 shall apply to the extent possible also in the case of notification of the representative of the party or the person responsible for notifications.

Article 152

International notification

1. Notification to foreign countries, international organizations, and persons enjoying diplomatic immunity shall be done through the institution covering the foreign affairs, unless otherwise stipulated by law.

Article 153

Notification in special cases

1. Notification of persons who are serving in the Armed Forces or units of the Ministry covering the internal affairs shall be done through their administration.

2. Notification of persons who have been deprived of their liberty in the detention centres or penitentiary institutions, shall be done through the administration of the respective institution where the person is. At any case, the administration of the institution should document the receipt of the notification.

Article 154

Errors in notification

1. If, as a result of an error in the performance of the notification made by the public organ, the legal situation of the receiving party becomes worse, the notification shall be considered to have been made on the day, when the receiver proves to have become aware of the notification.

CHAPTER II

WAYS AND MEANS OF NOTIFICATION

SECTION I
NOTIFICATION BY MAIL AND ELECTRONIC MEANS

Article 155
Notification by mail

1. The notification by mail shall be done through simple or certified mail.

2. For the purpose of this Code, a written document sent via simple or certified mail, shall be deemed notified on the third day after the date posting of the document, for addresses within the Republic of Albania, and the fifth day for addresses outside the territory of the country.

3. Paragraph 2 of this article shall not apply if the addressee proves that the document was not received or was received at a later day.

Article 156
Notification by electronic means

1. The notification by electronic communication means or by fax shall only be done when the addressee has preliminary agreed on this form of notification, and the law does not provide for another obligatory form of notification. If the notification is not readable, the addressee may require the public organ to resend the notification in another more suitable form.

2. A document sent via electronic communication means, shall be deemed received according to the provisions of the law on electronic communication.

3. A document sent by fax shall be deemed notified on the third day form the day of sending.

4. Paragraph 2 and 3 of this article shall not apply if the addressee proves that the written document was not received or was received at a later date.

SECTION 2

FORMAL NOTIFICATION

Article 157
Formal notification

The notification of a written document may be done also by formal notification, if this is explicitly provided by law, or decided by the public organ itself.

Article 158
Ways of formal notification

1. The formal notification shall me made by personal delivery, notification through the third party of post, and by electronic publication, public notification or official publication according to the provisions of Articles 159-163 of this Code.

Article 159

Personal delivery

1. The official of the public organ shall personally deliver the document to the addressee in one of the places foreseen by this Code. The personal delivery shall be recorded in a minute. The minutes shall include data for the identification of the delivered document, the date of delivery and is signed by the official and the addressee.
2. If the addressee is not found in the place of notification the official of the public organ shall make a second effort for the personal delivery, not earlier than 24 hours and no later than 72 hours form the first attempt.

3. If the addressee is not fund again, or he refuses to accept the document, the official shall make the relevant note in a minute, and where possible prove the situation with the signature of a present witness. In such a case the official of the public organ shall place note in the premises of the place of notification, by defining the addressee in the respective office in the public organ where the document can be taken. In the note is defined the date and hour where the note was made and the day deemed as the date of performance of notification, as per paragraph 4 ad 5 of this Article.

4. The delivery as per paragraph 3 of this Article shall be deemed done after 3 days from the date of placing the note.

5. The delivery shall only be made during business days from 07:00- 19:00.

Article 160

Notification through a third party

1. In cases where the notification as per the above Article is not feasible and the addressee is not found, the official of the public organ shall make the delivery through a third party who agrees to deliver the notification to the addressee in the following order of preference:

a) a family member who has reached the age of 16, in the place of notification provided in letter “a)” paragraph 1 of Article 151 of this Code,

b) an adult neighbour, in the place of notification, provided by Article151, paragraph 1, letter “a” of this Code;

c) an employee or doorman in the place of notification, as provided in letter ‘c)” to “d)” of paragraph 1 of article 151 of this Code;

2. The delivery specified in paragraph 1 of this article shall not be done through a person participating in the same procedure with conflicting interests with the addressee.

3. The third person who agrees to make the delivery should sign the minutes, whereby he/she assumes to deliver it to the summoned person. The public official shall include in the minutes data on the relationship of the third person with the addressee, data on the identification of the delivered written document, and the date it was handed over to the third person.

4. In case the third person refuses to receive anything, the official shall make the relevant note in the minutes, and where possible, prove such refusal with the signature of a present witness.

5. In the case provided for by paragraph 4 of this article, the written document shall be left in the mailbox of the place where the addressee is dwelling or residing. The date and time of putting in the mailbox, along with the date which shall be considered as the notification date under paragraph 6 and 7 of this Article, shall be marked by the official on the envelope of the written document, and reflected in the respected minutes.

6. The delivery shall be considered as made after 3 days from the day of receipt of the written document by the third persons, or the date of placing in the mailbox.

7. The delivery under this article shall be made only during business days and between 7:00 to 19:00 hours.

Article 161

Notification by electronic publication

1. The notification can be done through the publishing into an Electronic Register open for the public, in cases provided by the special law, and only if the addressee was informed in advance, on the exact date when the publication will be made.

2. The notification in accordance with paragraph 1 of this article shall be deemed as done in the date set for the publication, only if the document was factually published on that date.

3. The notification of an electronic document can also be done through the download from a certain server, closed to the public, only if the party is provided, in advance, access through authentic electronic means of identification, and if it was made aware through a preliminary notification on the exact date or period when the document may be downloaded.

4. The notification in accordance with paragraph 3 of this article shall be deemed as done in the day it was downloaded from the server. If the document was not downloaded on the specified date, the public organ shall send the party a second notification. If the document is not downloaded in the specified date in the second notification, it shall be notified by another suitable way.

Article 162

Public notification

1. A public notification shall be done in following cases:

a) when the participating parties are unknown;
b) when the place of notification is not known and the notification is not feasible, as per Article 151 of this Code;
c) when any other forms of notification is unsuitable or impossible,
ç) in any other case explicitly provided by law.

2. The public notification shall be done by displaying the written document on a special notice corner in the head office of the organ or its local branch offices, in the prefecture or in another place, and where is considered that it could better get to the cognizance of the addressee.

3. The public notification shall be considered as done after 10 (ten) days from the date of the publication, as per paragraph 1 and 2 of this Article. This deadline may be extended by the public organ for justified grounds. Date of displaying and removal of the notification shall be specified in the written document displayed in the premises referred to in paragraph 2 of this article.

4. In addition to the public display of the written document in the premises referred to in paragraph 2 of this Article, the public organ shall publish the act on its web site and may also publish it on the printed media, in the two newspapers with highest circulation.

5. In case of notification of an administrative act, the published text shall contain all the elements as provided by article 99 of this Code, with the exception of the reasoning part. It shall be accompanied with information on the office, place and way of getting acquainted with the full content of the administrative act.

Article 163

Official publication

1. The notification through publication in the “Official Journal” or in the official publication bulletin, shall be mandatory in cases where:

a) the notification is addressed to a group of persons, which members are or can be identified individually, on the basis of general characteristic, and any other form of notification is considered impossible or inappropriate; or

b) it is explicitly provided by law.

2. Article 162 paragraph 5 of this Code shall apply to the extent that it is possible also for the official publication.

3. Unless otherwise provided by the law, the notification according to this Article shall be considered as done within 10 (ten) days from the date of publication.

PART VIII

EXECUTION OF THE ADMINISTRATIVE ACT

CHAPTER I

GENERAL PROVISIONS

Article 164
Executable act

1. Administrative act may be executed only once it enters into force.

2. An administrative act, shall start to be executed:

a) upon expiry of the deadline for administrative appeal, if such an appeal was not lodged;

b) upon its notification, if the administrative appeal is not allowed;

c) upon its notification, if according to the law the administrative appeal has no suspension effect;

ç) upon the notification of the decision to abolish the suspension effect of the appeal in accordance with article 133 of this Code;

d) upon notification of the decision resolving the appeal, if the latter has rejected or has not accepted the appeal.

3. The decision of the public organ which amends the appealed act shall become executable upon its notification to the party.

Article 165

Principles of forceful execution

1. Save for cases of immediate execution as provided in Article 179 of this Code, the public body may not perform any execution action, expect in implementation of an administrative act, which has become executable according to this Code.

2. The execution of administrative acts shall be carried out by the way and means of execution, which ensure execution by causing the minimum possible damage to the rights and legal interest of the subject of execution.

Article 166

Acts that cannot be executed

1. Save for cases where the law has provided otherwise, the administrative act which is executable under 164 of this Code, shall not be executed when:

a) its effects have been suspended, in line with the legislation in force;

b) an appeal with suspension effect has been submitted against it;

c) 5 (five) years have lapsed from the date the act became executable.

Article 167

Competent organ for forceful execution

1. Save for cases where the law has specifically specified another body, the forceful execution shall be under the competence of the public organ which has issued the initial act, even if it has been changed or substituted by the superior organ, due to the administrative appeal or by the court.

Article 168

Subject of execution

1. The execution shall be conducted against the party who has to fulfil an obligation imposed by an administrative act being executed or against the heirs of the parties, if the obligation does not have a strictly personal character.

CHAPTER II

VOLUNTARY EXECUTION OF THE ADMINISTRATIVE ACT

Article 169

Notification on the voluntary execution

1. Except in cases of immediate execution under Article 179 of this Code, the competent public organ shall send to the subject of execution a notification to execute the obligation under the administrative act and gives him a reasonable time limit.

2. The notification for the voluntary execution shall be made in writing and formally notified to the subject of execution.

Article 170

Content of the voluntary notification

1. The notification on the voluntary execution shall contain:

a) an abbreviation of the administrative act that will be executed;
b) an information on the manner of execution and other data necessary for the execution;
c) warning made to the subject of execution that in case of failure to perform the voluntary execution, within a time limit specified in the notice, a forceful execution shall commence.

CHAPTER III

FORCEFUL EXECUTION OF THE ADMINISTRATIVE ACT

Article 171

Time of forceful execution

The forceful execution on public or official holidays, as well as the execution between 19:00 – 7:00 hours, may be carried out only in urgency cases, if as a result of non execution the public interest would be affected, based on a reasoned written order of the organ which is competent for the execution.

Article 172

Notification on forceful execution

1. Except for cases of immediate execution under Article 179 of this Code, if the obligation is not implemented voluntarily, the competent public organ shall inform the subject of execution on the forceful the execution.

2. The notification on the voluntary execution shall be made in writing and shall be formally notified to the subject of execution and shall constitute an administrative act.

3. In case the submission of an appeal has no suspension effect under the special law, or if it is obvious already during the administrative procedure it is clear that the party does not voluntarily fulfil the obligation, the notification shall itself be part of the administrative act which is executed.

Article 173

Content of the notice on forceful execution

1. The warning on the forceful execution should contain:

a) an abbreviation of the administrative act that will be executed;
b) the date and time planned for the for the performance of the execution.
c) information on the manner of execution and other data necessary for the execution.

2. In cases where the forceful execution is made in accordance with the Article 176 of this Code, the notification shall, if possible, contain also the amount of the execution costs.

Article 174

Forceful execution of pecuniary obligations

1. The execution of pecuniary obligations shall be effectuated by the competent public organ in accordance with the provisions of the law governing the tax procedures and law on administrative offenses, which shall apply to the extent possible.

Article 175

Execution of non –pecuniary obligations

1. Non-financial obligations are those obligations that are related to the performance of an action, permission for the performance of an action, or prohibition of performance of an action by the subject of the execution, except for the payment in cash.

2. The forceful execution of non-financial obligations shall be effectuated through one of the instruments of execution specified in the articles 176 to 178 of this Code.

Article 176

Execution of non-financial obligations through third persons

1. The public body competent for the execution may assign a third person to fulfil the non financial obligations if:

a) the non financial obligation is an action of such a nature that can be fulfilled by a third person;
b) the subject of execution has failed to fulfil or has only partially fulfilled the non financial obligation.

2. The fulfilment of the obligation by the third person shall be made on the expenses of the subject of execution.

3. The public organ competent for the execution shall calculate the expenses and order the subject of execution to deposit an advance amount necessary to cover them.

4. The obligation under paragraph 3 of this Article above can be executed in accordance with the rules on the execution of financial obligations, if the subject of execution fails to deposit the amount of the execution expenses.

Article 177

Duty to cooperate

1. If the fulfilment of a non-financial obligation cannot be achieved as stipulated under Article 176 of this Code, and the subject of execution has failed to entirely or partially fulfil such obligation, the competent public organ shall forcefully implement the non-financial obligation, in accordance with the provisions of this Code and the legislation in force.

2. The State Police shall assist the public organ for the execution of non-financial obligations under paragraph 1 of this Article.

Article 178

Execution of interim decisions

1. The execution of interim decisions, as provided by article 67 of this Code, which provides for non-financial obligations, shall be done in accordance with the provisions of articles 176 and 177 of this Code, even before the act becomes executable.

2. The notification of the execution in the case provided in paragraph 1 of this Article shall be part of the act ordering that the respective measure it taken.

3. The obligations under the interim decision shall be executed within 3 days from the issuance of the act.

Article 179

Immediate execution

1. The public organ may exceptionally apply one of the forceful execution methods as provided by article 176 and 177 of this Code, even without issuing an administrative act beforehand, if the three following conditions are met:

a) It is necessary to adopt an urgent measure to insure the public order and security or avoid immediate threats or risks to people's health, life, or property;

b) due to extreme urgency to adopt the measure, an administrative act ordering the fulfilment of a non-financial obligation cannot be issued in due time; and

c) the party, or the representative to whom the act ordering the fulfilment of a non-financial obligation, is to be addressed, cannot be found.

2. Upon request by the party affected by the execution of the urgent measure and within 8 (eight) days from the day of submission of the request, the public body shall issue a written act, which confirms the performed action. At any case, the request of the party may not be submitted later than 60 (sixty) days from the date of the execution.

CHAPTER IV

SUSPENSION, DISMISSAL, AND APPEAL OF EXECUTION

Article 180
Suspension of execution

1. The forceful execution shall be suspended either *ex officio* or upon request of the subjects of execution in cases where:

a) it is proved that there is a risk of causing a serious and irreplaceable damage to the subject of execution and suspension in such case does not affect the public interest;

b) the competent court for administrative matters has decided to suspend the implementation of the act, under the provisions on administrative dispute resolution;

c) the execution has been already made or is made against a subject that was not subject to an obligation;

d) under the law, the execution is not allowed;

e) in other cases provided by law.

2. All actions carried out up to the moment of suspension of forceful execution shall be cancelled.

3. In all cases, the public organ shall reason its decision to suspend the forceful execution.

Article 181

Termination of execution

1. The forceful execution shall terminate in cases where:

a) the subject of execution has fulfilled the obligation,
b) the administrative act that serves as ground for the execution has been repealed or annulled.
c) other cases as provided for by the law.

Article 182

Postponement of the execution

1. The forceful execution shall be postponed in cases where:

a) the public body has decided for its postponement for a specific time limit;

b) another act, substitutes the act which is being executed;

Article 183

Consequences of the execution of a repealed or annulled act

1. When the voluntary or forceful execution is made, and the underlying administrative act has later been repealed or annulled, the subject of execution shall have the right to request reinstatement to the previous state or the state ensuing from the new act.

2. The request shall be considered by the public organ which is competent for the execution, upon request of the person subjected to execution.

Article 184

Appeal against actions of execution

1. An appeal can be brought against the notice for execution, in accordance with the provisions of this Code. The appeal shall be directly considered by the superior organ of the competent organ for execution, within 5 (five) days from the date of submission. The appeal may only concern the chosen method of execution, and shall not have any suspension effect.

2. The party may appeal to the superior organ of the competent body for execution, when the actions performed for the forceful execution exceeded the ordering part of the act that is executed, or when these actions come against the ordering provisions of this Code.

The submission of the appeal shall not have any suspension effect and shall be examined within 5 (five) days from the date of its submission.

3. Exceptionally, if the continuation of the execution could represent a threat to the health, life or property, the party may directly address the competent court for administrative matters.

PART IX

TRANSITIONAL AND FINAL PROVISIONS

Article 185
Transitional provision

1. With regard to the administrative procedures which have started before the entry into force of this Code, the provisions of Law no. 8485, dated 12.05.1999 on the “Code of Administrative Procedures of the Republic of Albania” as amended, shall apply.

Article 186
Sub-legal acts and internal rules

1. Within 3 months from the entry into force of this law:

a) The Council of Ministers shall adopt the acts provided in paragraph 7 of article 59, and paragraph 3 of article 76 of this Code;

b) The public organs shall adopt internal working rules for the implementation of the provisions of this Code.

Article 187

References to the legislation in force

1. Upon the entry into force of this law, any reference that the legal and sub-legal provisions make to Law No. 8485, dated 12.05.1999 on the “Code of Administrative Procedures of the Republic of Albanian”, as amended, or to specific provisions of it, shall be considered as made to this Code to the extent possible.

Article 188

Repeals

1. With the entry into force of this Code:

a) Law No. 8485, dated 12.05.1999 on the “Code of Administrative Procedures of the Republic of Albanian”, amended, shall be repealed;

b) Any legal and sub-legal provision which comes against the provisions of this Code shall be repealed.

Article 189

Entry into force

This law shall enter into force 1 year after its publication on the “Official Journal”.

Speaker of the Parliament

Ilir Meta

Adopted in 30.04.2015